IN THE HIGH COURT OF JHARKHAND AT RANCHI

CMP No. 340 of 2024

1. Smt. Urmila Devi, aged about 83 years, W/o Late Ramashray Singh @ Rameshwar Singh, presently residing at Madarpur, Gaya, District Bihar, PIN CODE - 823003
2. Dead
3. Sushana Oraon, aged about 76 years, W/o Daniel Oraon @ Daniyal Lakra,
4. Kalyan Lakra, aged about 51 years, S/o Late Nimai Oraon @ and Mosmat Saramani Oraon.
5. Nirmal Lakra, aged about 39 years, Son of Late Polus Oraon.
6. Puran Lakra, aged about 18 years, Son of Late Polus Oraon @ Paulus Lakda,
7. Sahay Lakra, aged about 30 years, Son of Late Polus Oraon,
8. Sarla Lakra, aged about 70 years, Wife of Late Novel Lakra @Oraon,
9. Priti Lakra, aged about 32 years, Daughter of Late Novel Lakra @ Oraon,
10. Anjuli Sason, aged about 39 years, Daughter of Late Novel Lakra @ Oraon,
11. Vijay Lakra, aged about 53 years, Son of Navin Oraon, From 2 to 11, all residents of Village Sidrol, P.S. and PO -Namkum, District - Ranchi;
12. Masidas @ Masih Das Lakra, aged about 67 years, Son of Late Suleman Lakra @ Sule, R/o Village Sidrol, P.S and P.O. Namkum, District - Ranchi,
13. Sushma Lakra, aged about 64 years, Wife of Late Binay Oraon @ Binay Lakra, R/o Sindwar Toli, Sidrol, PO & P.S. - Namkum, District - Ranchi.
14. Sabir Lakra, aged about 64 years, Son of Late Binay Oraon@ Binay Lakra, R/o Holding No. 82, Nehru Path, Zone No. 4, Birsanagar, Jamshedpur, Hullung, East Singhbhum, Jharkhand 831004
15. Walter Lakra, aged about 65 years, Son of Late Santosh Oraon,
16. Suresh Tigga, aged about 71 years, Son of Late Masi Oraon,
17. Fransis Tigga, aged about 40 years, Son of Fulamni Tigga (M) & Late Poulus Tigga, R/o Sidrol, P.O. & P.S. Namkum, District - Ranchi.
18. Shailesh Tigga, aged about 30 years, Son of Late Reginal Tigga,
19. Sandeep Tigga, aged about 27 years, Son of Late Reginal Tigga,
20. Bimal Tigga @Oraon, aged about 65 years, S/o Late Sharamdas Oraon,
21. Monika Tigga, aged about 61 years, W/o Late Bishram Oraon @Tigga,
22. Mashidash Tigga, aged about 65 years, S/o Nathanial Tigga,
23. Mangal Tigga, aged about 63 years, S/o Nathanial Tigga,
24. James Tigga, aged about 59 years, S/o Late Nathanial Tigga,
25. Sunil Tigga, aged about 55 years, S/o Late Nathanial Tigga,
26. Neyan Tigga, aged about 43 years, W/o Late Daud Tigga,

27. Atul Tigga, aged about 21 years, Son of Late Daud Tigga,
28. Ayush Tigga, aged about 14 years (Minor through his mother and natural guardian Neyan Tigga), Son of Late Daud Tigga,
29. Juliano Tigga, aged about 64 years, W/o Late Gabriel Tigga,
30. Nelson Tigga, aged about 34 years, S/o Late Gabriel Tigga,
31. Mukul Tigga, aged about 34 years, S/o Late Gabriel Tigga,
    From 15 to 31, All residents of Village Sidrol, P.S. and P.O. - Namkum, District - Ranchi,
32. Elishiba Toppo, aged about 63 years, W/o Late Yunus Toppo,
33. Bilkan Toppo, aged about 64 years, S/o Late Benjamin Toppo,
34. Amon Toppo, aged about 56 years, S/o Late Benjamin Toppo,
35. Nelli Toppo, aged about 56 years, W/o Late Iswar Sahay Toppo,
36. Robert Amrit Toppo, aged about 35 years, S/o Late Iswar Sahay Toppo,
37. John Praveen Toppo, aged about 35 years, S/o Late Iswar Sahay Toppo,
38. Abhay Vishal Toppo, aged about 28 years, S/o Late Iswar Sahay Toppo;
39. Jospin Toppo, aged about 45 years, W/o Late Anuj Toppo,
40. Jhon Jack Toppo, aged about 25 years, S/o Late Anuj Toppo,
41. Menzankan Toppo, aged about 24 years, S/o Late Anuj Toppo,
42. Monika Toppo, aged about 65 years, W/o Late Bimal Toppo,
43. Dipak Toppo, aged about 46 years, S/o Late Bimal Toppo,
44. Bipin Toppo, aged about 48 years, S/o Bimal Toppo,
45. Dayamani Toppo, aged about 70 years, W/o Late Paulus Toppo @ Poulus Toppo,
46. Michel Toppo @ Mical Toppo, aged about 52 years, S/o Late Paulus Toppo @ Poulus Toppo,
47. David Toppo @ Devid Toppo, aged about 39 years, S/o Late Paulus Toppo,
48. Niranjan Toppo, aged about 54 years, S/o Late Paulus Oraon,
    From 32 to 48 All are resident of village Sidrol, P.O. + P.S. Namkum, District - Ranchi.
49. Sabina Lakra, aged about 48 years, D/o Late Laulin Lakra,
50. Manish Lakra, aged about 29 years, S/o Late Laulin Lakra,
51. Prabhudan Lakra, aged about 33 years, S/o Late Laulin Oraon @ Lakra,
    From 49 to 51 All are resident of Sidwar Toli, Village Sidrol, PO. + P.S. Namkum, District - Ranchi
52. Daud Bardan Lakra @ Daud Bardan, aged about 60 years, S/o Mansidh Lakra,
53. Josen Lakra @ Josen Oraon, aged about 57 years, S/o Mansidh Lakra,
54. Jasmani Lakra, aged about 62 years, W/o Late Habil Lakra,
55. Niral Lakra, aged about 35 years, S/o Late Habil Lakra,
56. Kuldip Lakra, aged about 34 years, S/o Late Habil Lakra,

57. Jiwan Lakra @ Jivan Lakra, aged about 73 years, S/o Late Belham @ Viliyam Lakra,
58. Sonamani, aged about 66 years, Widow of Late Sanicharwa Oraon,
59. Mantu, aged about 33 years, S/o Late a Sanicharwa Oraon,
60. Ram Kishun Teli, aged about 66 years, S/o Bhupnath Mahto @ Teli @ Bhoopnath Mahto, R/o Mouya Chatakpur, P.O.- Tetri, P.S.-Namkum, Dist.- Ranchi

From 52 to 59, All Residents of Village Sidrol, P.O. + P.S.- Namkum, District Ranchi

61. Seema Tigga, W/o Late Edward Tigga,
62. Vicky Lucas Tigga, S/o Late Edward Tigga

Both R/o vill.- Sidrol, Sindwartoli, P.O. +P.S.- Namkum, Dist.- Ranchi …… Petitioners

Versus

Union of India through Defence Estate Officer, Jharkhand, Orrisa and Bihar, JOB Circle, Danapur Cantt., PO & P.S. Danapur, District Patna.

… Opp. Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Himanshu Kr. Mehta, Adv.
Mr. Vidhan Kr. Singh, Adv.
For the UOI : Mr. Ravi Prakash, CGC

08 / 06.11.2026 **I.A. No. 13217 of 2026**

Heard the parties.

Learned counsel for the petitioners submits that this interlocutory application has been filed with the prayer to delete the name of the petitioner no. 58 namely Sonamani @ Sonamani Lakra who died on 21.03.2026 leaving behind the petitioner no. 59 as her only surviving legal representative, in the cause title of this petition.

Considering the facts of the case, the prayer is allowed.

Registry is directed to mention the word 'dead' against the petitioner no. 58 in the cause title of this Civil Miscellaneous Petition with Red Ink.

This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

CMP No. 340 of 2024

This civil miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 151 read with Section 152 of Code of Civil Procedure for amendment /clarification of the order dated 05.05.2023 passed in C.M.P. No. 128 of 2022 in connection with the decree dated 12.07.2023 arising out of F.A. No. 89 of 2009.

The brief fact of the case is that vide the judgment dated 05.08.2016; F.A. No. 89 of 2009 was allowed partly. The said judgment has been affirmed as the Hon'ble Supreme Court of India dismissed the connected S.L.P. vide Diary No. 11644 of 2017. The decree prepared in the said F.A. No. 89 of 2009 was defective. The petitioners and their predecessor-in-interest filed C.M.P. No. 220 of 2017 and in terms of the order dated 11.12.2018 a fresh decree was prepared. The said fresh decree was also defective. The petitioners filed C.M.P. No. 278 of 2020 whereas Union of India filed C.M.P. No. 128 of 2022 for correction of the decree. The C.M.P. No. 128 of 2022 has been disposed of vide order dated 05.05.2023.

It is submitted by the learned counsel for the petitioners that consequent upon the order dated 05.05.2023 a decree was prepared on 12.07.2023 and the decree dated 12.07.2023 is also not correct because 60% of the amount deposited in the year 2015 by Union of India in fixed deposit has not been paid in-spite of the judgment passed in F.A. No. 89 of 2009. It is next submitted by the learned counsel for the petitioners that the amount deposited by way of fixed deposit is the amount of the petitioners and therefore, the interest accrued thereon are of the petitioners but the same has not been taken care of in the decree prepared. It is then submitted by the learned counsel for the petitioners that there is clerical and arithmetical mistake in the decree, hence, this civil miscellaneous petition has been filed. It is further submitted by the learned counsel for the petitioners that the Joint Registrar (Judicial) has not taken care of the objection raised in

writing before signing of the decree. So, being aggrieved and dissatisfied with the order dated 05.05.2023 passed by this Court upon which decree has been prepared, this civil miscellaneous petition has been filed for clarification of the order dated 05.05.2023. It is next submitted by the learned counsel for the petitioners that this Court can sit in appeal by modifying its own judgment; which has been affirmed by the Hon'ble Supreme Court of India.

Learned counsel for the opposite party on the other hand submits that the contention of the petitioners that this Court can sit in appeal upon its own judgment passed in F.A. No. 89 of 2009 dated 05.08.2016 which has been affirmed by the Hon'ble Supreme Court of India is a fallacious submission. It is further submitted by the learned counsel for the opposite party that there is no way this Court can sit in appeal over its own judgment or orders. It is then submitted by the learned counsel for the opposite party that this civil miscellaneous petition has been filed in guise of an appeal against the order dated 05.05.2023 passed by this Court itself; which is not maintainable in law; moreover when there is no infirmity in the said order, if the petitioners are dissatisfied with the order dated 05.05.2023 in C.M.P. No. 128 of 2022, the remedy lies in approaching any superior court. Hence, it is submitted that this civil miscellaneous petition being without any merit be dismissed.

Having heard the submissions made at the Bar and after carefully going through the materials in the record, it is pertinent to mention here that it is a settled principle of law that High Court cannot sit in appeal over its own judgment passed in First Appeal more so, when the Special Leave Petition filed against the said judgment passed in the said First Appeal has been dismissed by the Hon'ble Supreme Court of India. It is also pertinent to mention here that if any party is dissatisfied or aggrieved by any order passed by a High Court in exercise of the power under Sections 151 and

152 of the Code of Civil Procedure, the remedy lies elsewhere but certainly, not before the High Court.

Hence, this Court is not inclined to interfere with its own judgment passed in F.A. No. 89 of 2009 dated 05.08.2016 or the order dated 05.05.2023 passed in C.M.P. No. 128 of 2022 as it lacks jurisdiction to sit in appeal upon its own judgment or order.

Accordingly, this civil miscellaneous petition being without any merit is dismissed.

(**ANIL KUMAR CHOUDHARY, J.)**

Dated 06.11.2026
Smita/-