IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.258 of 2026

Maheswar Nayak ..... ***Petitioner***

Represented by Adv. –
Md. Golam Madani

-versus-

Sri Umakanta Nayak and others ..... ***Opposite Parties***

Represented by Adv. –
Smt. Sasmita Nayak, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
06.04.2026

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard the learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.

3. By filing the present CMP application, the Plaintiff in Title Suit No.90 of 1994-I (Final Decree), corresponding to Execution Case No.62 of 2023-I pending in the court of 1st Additional Civil Judge (Senior Division), Balasore, has approached this Court assailing the order dated 17.01.2026 at Annexure-1 whereby the learned executing court has rejected the Plaintiff-Decree Holder's application for correction of the area shown in the partition map prepared by the Commissioner in exercise of the power vested in

court under Section 152 of the C.P.C.

4. Learned counsel for the Petitioner, at the outset, contended that on the basis of the Civil Court Commissioner's report a decree was drawn and on that basis the map prepared by the Commissioner became a part of the decree. However, during the pending of the execution proceeding, it was detected by the Plaintiff-Decree Holder that there are certain arithmetical/clerical mistakes while preparing such map. Accordingly, the Decree Holder filed an application for correction of such errors, which was taken up by the learned executing court for hearing.

5. On perusal of order dated 17.01.2026 at Annexure-1, it appears that no objection was raised against such application. However, the learned trial court rejected the prayer of the Petitioner on the ground that the executing court cannot go beyond the decree to correct the arithmetical/clerical errors which have crept into the judgment and decree of the trial court.

6. On a careful consideration of the order dated 17.01.2026 passed in Execution Case No.62 of 2023 by the learned 1st Additional Senior Civil Judge, Balsore, this Court found no error has been committed by the learned executing court.

7. Accordingly, this Court is not inclined to interfere

with the order dated 17.01.2026 passed by the learned 1st Additional Senior Civil Judge, Balsore in Execution Case No.62 of 2023.

8. However, it is open to the Petitioner to take necessary remedial steps and approach the appropriate forum in the event it is found that in fact certain errors have inadvertently crept into the judgment and decree of the learned trial court.

9. With the aforesaid observation, the CMP stands disposed of.

(Aditya Kumar Mohapatra)
Judge

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