

(2017) 01 AP CK 0017

In the Andhra Pradesh High Court

Case No : CCCAMP No.575 of 2015 in CCCA No.338 of 2004

B. Raghunandan

APPELLANT

Vs

B. Chandrakala

RESPONDENT

Date of Decision : 27-01-2017

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151

Citation : (2017) 2 ALT 457

Hon'ble Judges : P.V. Sanjay Kumar and Dr. B. Siva Sankara Rao, JJ.

Bench : Division Bench

Advocate : Mr. V.L.N.G.K. Murthy, Counsel, for the Petitioner; Mr. Thakur Singh, Counsel, for the Respondent

Final Decision : Dismissed

Judgement

Dr. B. Siva Sankara Rao, J.—This application is filed by the petitioner who is the 2nd respondent in the appeal and 2nd defendant in the suit, under Section 15: of C.P.C. It is posted under the caption "For being mentioned". The petition affidavit states that he got filed memo through his counsel stating that he will not seek possession in respect of Door No. 1-6-955 only, which is in fact part item No.3 of the plaint schedule property during lifetime of the appellant/1st defendant however in the judgment of Division Bench of this Court, dated 31-12-2014, (in deciding the appeal and cross-objections; the Cross - objections (SR) No. 13681 of 2005 filed by him in the appeal were allowed and the Cross objections (SR) No.3879 of 2005 filed by Smt. Anuradha-plaintiff so also the appeal filed by B. Chandrakala/1st defendant were dismissed) due to typographical mistake, it was recorded as if he would not seek possession of his entire share in the plaim schedule properties in stead of part of item No.3 which requires correction.

2. Heard both sides and perused the memo and also the judgment dated 31-12-2014. The memo which was dated 29-12-2014 is very clear in this regard of permitting the 1st defendant during her lifetime to continue in possession of

only D. No. 1-6-955, which is part of item No.3 of the plaint schedule property and the judgment at 7th line in para 26 on point No.2 in the operative portion mentioned as "his share in the plaint schedule properties". Thus it is an inadvertent outcome on the part of the Court in saying instead of D.No.1-6-955 which is part of item No.3, in the mention of his entire share in the properties.

3. In view of the above, the petition is ordered. Registry is directed to rectify the typographical error crept in the operative portion of judgment at 7th line of para 26 for "his share in the plaint schedule properties" as "D.No.1-6955 out of his share in the item No. 3 of the plaint schedule properties".