
(2010) 10 AHC CK 0148
In the Allahabad High Court
Case No : Writ A. No. 26684 of 2006

Vijay Karan Pandey

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Citation : (2011) 2 UPLBEC 1706

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Amreshwar Pratap Sahi, J.

Order on Civil Misc. Amendment Application No. 304270 of 2010.

1. This is an application for incorporating an amendment in the correction application, which has been filed today.

2. The application is allowed.

3. The application for correction shall now be read along with the amendment as sought for in this application.

Order on Civil Misc. Correction Application No. 296368 of 2010.

4. This correction application as amended prays for certain corrections of facts in the judgment and order dated 01.10.2010, which have been incorporated against the records. A counter to the same has been filed to which a reply has been submitted. Which are as follows:

1. At page No. 4 in the second paragraph it has been inadvertently indicated that the regularization of Siddh Gopal Dwivedi was not brought on record in the previous litigation. The said fact appears to have been incorrectly recorded, inasmuch as, the regularization of Siddh Gopal Dwivedi was brought to the notice of this Court in the writ Petition filed by Pratap Singh in the year 2002. The said

narration in the said paragraph therefore stands corrected accordingly.

2. At page 5 of the judgment in the second paragraph, the following sentence has been incorporated. It is to be noted that Bhoj Dev Mudit did not file any special appeal". The said sentence has been incorrectly incorporated, inasmuch as, Bhoj Dev Mudit according to the records did file Special Appeal (D) No. 412 of 2001 but no relief was granted to him. The said sentence would therefore stands corrected accordingly.

3. The submission that was raised in relation to the regularization of Siddh Gopal Dwivedi and narrated by Sri Rahul Jain has been incorrectly recorded at page 13 in the last paragraph that the regularization order of Siddh Gopal Dwivedi is stated to have been brought to the notice of the Court for the first time. This fact has also been incorrectly recorded, inasmuch as, Pratap Singh had filed a special appeal against the judgment dated 10th May, 2001 and, therefore, the fact as recorded in the first paragraph at page 13 that it was not challenged by any aggrieved person is incorrect.

5. It is to be noted that the special appeal filed by Pratap Singh was withdrawn and a restoration application filed for restoring the said special appeal was rejected.

6. This correction application is, therefore, disposed of by recording the aforesaid facts to the extent that the facts recorded in the judgment and order dated 01.10.2010 would stand modified accordingly. Such errors can be corrected in the exercise of inherent powers of the Court and do not amount to review.

7. The outcome of the aforesaid corrections would not in any way affect the decision on merits of the case.