

CASE NO.:
Appeal (civil) 848 of 1999

PETITIONER:
BIJAY KUMAR SARAOGI

RESPONDENT:
STATE OF JHARKHAND

DATE OF JUDGMENT: 26/04/2005

BENCH:
B.P. SINGH & ARUN KUMAR

JUDGMENT:
J U D G M E N T

B.P.Singh, J.

We have heard counsel for the parties.

The facts not in dispute are that lands belonging to the appellant were acquired under the provisions of the Land Acquisition Act, 1894. The collector made his Award again st which the appellant preferred a reference under Section 18 of the Land Acquisition Act and t he same was pending when the Land Acquisition Amendment Bill was introduced in the Parliament on 30th April, 1982 and the Amendment Act came into force from 24th September, 1984. In between these two dates Reference Court made its Award on February 10, 1983. After the Award the appellant received the amount awarded to him and did not prefer a further appeal therefrom.

In the year 1995 the appellant filed an application under Section 152 C.P.C. before the Spec ial Sub-Judge, Ranchi claiming that he was entitled to the benefit conferred by Sections 23(2) a nd 28 of the Land Acquisition Act as amended by the Amendment Act. The learned Sub-Judge held that the said application was not maintainable and the said finding has been affirmed b y the High Court.

We find no reason to interfere with the order of the High Court because a mere perusal of Section 152 makes it clear that Section 152 C.P.C. can be invoked for the limited purpose of correcting clerical errors or arithmetical mistakes in the judgment. The Sectio n cannot be invoked for claiming a substantive relief which was not granted under the decree, or as a pretext to get the order which has attained finality reviewed. If any authority is r equired for this proposition, one may refer to the decision of this Court in State of Punjab Vs. Dar shan Singh 2004(1)SCC 328.

The appeal, therefore, lacks merit and is accordingly dismissed.
No costs.