

Title Appeal 02 of 2025
C.N.R NO.- WBJP05-000013-2025

Order No. 10, Dated: 03.09.2025;

Miss Priyanka Saha, Ld. Counsel, appears for the appellants.

Mr. Asesh Chakraborty, Ld. Counsel, not pressed the petition for adjournment.

The case is taken up for hearing of appeal.

Miss Priyanka Saha, Ld. Counsel for the appellants draws the attention of the Court that in deposition of DW1, the challan bearing No. 9, dated 09/03/2018 showing payment of Rs. 1,86,340/- as rent is marked as "**Exhibit D**" but in the relevant document i.e. the challan No. 9, dated 09/03/2018, the exhibit number is noted as "**Exhibit E(1)**" which is palpably a gross error. **Miss Saha** further submits that the said challan No. 9 dated 09/03/2018 is an important piece of evidence of the defendants and by virtue of that challan only the defendants have paid the entire arrears amount of rent and the entire case of the defendants is based upon this document. **Miss Saha** prays for necessary correction in the noting of the document.

Mr. Asesh Chakraborty also submits that the document can be corrected by the Ld. Trial Court only. **Mr. Chakraborty** submits that as it appears, it is a mere clerical mistake.

Having heard both the parties, it appears that the clerk concerned of the Ld. Trial Court has made an erroneous entry in the reverse side of challan No. 9, dated 09/03/2018 and noted the document as "**Exhibit E(1)**". However, it is apparent from the oral testimony of DW1 that the document is marked as "**Exhibit D**". *Prima facie*, it appears that it is an unintentional clerical errors on the part of the ministerial staff.

In the circumstances, I find it just and proper to bring the matter to the notice of the Ld. Civil Judge, Junior Division, Alipurduar, with a direction to correct the mistake immediately.

The case record be sent to the Ld. Trial Court for correction of the aforesaid clerical mistake but the appeal shall remain pending before this Court for hearing.

The Trial Court Record be sent to the Court of Ld. Civil Judge (Jr. Division), Alipurduar along with the copy of this Order for his information and compliance.

Fix **10/11/2025** for receiving T.C.R. from Ld. Civil Judge, (Jr. Division), Alipurduar with compliance report from Ld. Trial Court.

Dictated & Corrected by me:

District Judge, Alipurduar

District Judge, Alipurduar