

16/5.5.2017

The petitioner's application under section 151 of C.P.C is taken up for passing order. The copy of the application was served and the respondent filed an application for filing W.O against the application and the date was fixed for hearing of the application on 21.4.2017, but the respondent did not file any written objection. The petitioner has stated that the respondent filed an application under section 24 of Hindu Marriage Act claiming alimony pendente lite for herself and her minor daughter and the Id Court upon hearing of the parties passed an order dt 30.11.2016 directing the petitioner/husband to pay a sum of Rs.6,000/- to the respondent and Rs.2,000/- each per month for his minor children.

The Id lawyer for the petitioner has stated that as per the averment made by the respondent one child is staying with mother/respondent and another child is staying with the petitioner, but at the time of passing order, it has been mentioned in the order that the respondent to pay Rs. 2,000/- each per month for his minor children, but it should be corrected because one child is residing with the respondent and therefore, the word **Each** and **Children** should be rectified. It has been further submitted that under section **24 of H.M.** Act should be replaced in place of section 36 of Special Marriage Act.

On perusal of the record as well as the application under section 25 of the Hindu marriage act filed by the respondent, it appears that at the time of passing of the order, under section 36 of Special marriage act has been written in place of section 24 of Hindu Marriage Act and Rs.2,000/- each per month for his minor children has been written in place of Rs.2,000/- for his minor child due to typographical mistake and as such the same should be rectified by this Court by invoking the inherent power as prescribed under section 151 of C.P.c.

Therefore, on considering the facts and circumstances, the order passed by the Id Court on 30.11.2016 should be rectified for the interest of justice.

Hence,

it is ordered that the application under section 151 of C.P.C filed by the petitioner is allowed. The order passed by this Id Court dt 30.11.2016 be rectified as per the averment made in paragraph 6 of the said application under section 151 of C.P.C.

B.C. I is directed to rectify the same as per the observation made above.

To 11.08.2017 for hearing stay petition.

D/C by me.

Additional District Judge, 1st Court,

A.D.J.1st Court, Barasat