

District-Khulna.

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)**

Present:

Mr. Justice Md. Toufiq Inam

Civil Revision No. 669 of 2024.

Shibpad Sarker.

----Defendant-Appellant-Petitioner.

-Versus-

Kamal Bashak and others.

---- Opposite Parties.

Mr. Bazlur Rashid, Advocate

----For the Defendant-Appellant-Petitioner.

Mr. Md. Toufiq Zaman, Advocate

----For the Opposite Parties.

Heard On: 26.10.2025.

And

Judgment Delivered On: 02.11.2025

Md. Toufiq Inam, J.

This Rule was issued calling upon the opposite party to show cause as to why the impugned judgment and order dated 07.09.2023 passed by the learned Additional District Judge, 1st Court, Khulna in Miscellaneous Appeal No. 47 of 2022, affirming the judgment and order dated 24.04.2022 passed by the learned Senior Assistant Judge, Dumuria, Khulna in Miscellaneous Case No. 07 of 2018, should not be set aside and/or why such other order or orders should not be passed as to this Court may seem fit and proper.

The facts necessary for disposal of this Rule are that the plaintiff–opposite party instituted Miscellaneous Case No. 07 of 2018 before the learned Senior Assistant Judge, Dumuria, Khulna praying for pre-emption under Section 96 of the State Acquisition and Tenancy Act, 1950. Upon hearing, the trial court allowed the pre-emption on 24.04.2022. Aggrieved thereby, the present petitioner, being the pre-emptee, preferred Miscellaneous Appeal No. 47 of 2022 before the learned District Judge, Khulna. The appeal was heard and disposed of by the learned Additional District Judge, 1st Court, Khulna, who affirmed the judgment of the trial court.

Mr. Bazlur Rashid, learned Advocate appearing for the petitioner, has not advanced any argument on the merit of the case. His sole contention is that although the trial court delivered its judgment on 24.04.2022, the appellate court referred to the date of the trial court’s judgment as “24.04.2018” in a few portions of the impugned judgment, while mentioning “24.04.2022” elsewhere. In fact, the trial court did not pass any judgment on 24.04.2018. On this limited ground alone, he prays for remand of the appeal for correction and reconsideration.

On the other hand, Mr. Md. Toufiq Zaman, learned Advocate for the opposite party, opposes the Rule and fully supports the judgments and orders of the courts below.

Upon perusal of the impugned judgment and the lower court records, it clearly appears that the learned appellate court indeed referred to the date of the trial court's judgment inconsistently—incorrectly as 24.04.2018 in some portions and correctly as 24.04.2022 in others. This inconsistency is manifestly a typographical or clerical error, which does not affect the substance, reasoning, or merit of the appellate decision in any manner. A mere clerical mistake in the recital of a date cannot invalidate a judgment nor justify remand of the appeal when the findings and conclusions are otherwise sound and based on proper appreciation of evidence.

It is well settled that such inadvertent clerical errors can be corrected under Section 152 of the Code of Civil Procedure without disturbing the decree or reopening the adjudication. The learned appellate court has examined the issues involved and has arrived at concurrent findings of fact and law affirming the trial court's judgment. There is no error apparent on the face of the record, nor any misreading or non-consideration of evidence, that would warrant interference under Section 115 of the Code of Civil Procedure.

In view of the above discussions, **the Rule is discharged.**

The judgment dated 07.09.2023 passed by the learned Additional District Judge, 1st Court, Khulna in Miscellaneous Appeal No. 47 of

2022, affirming the judgment dated 24.04.2022 passed by the learned Senior Assistant Judge, Dumuria, Khulna in Miscellaneous Case No. 07 of 2018, is hereby affirmed.

However, for accuracy in judicial records, the learned Additional District Judge, 1st Court, Khulna is directed to correct the typographical error appearing in the impugned judgment, where “24.04.2018” has been mistakenly written instead of “24.04.2022,” by exercising power under Section 152 of the Code of Civil Procedure.

The interim order of stay granted earlier is hereby recalled and vacated.

There shall be no order as to costs.

Let a copy of this judgment along with the lower court records be transmitted to the court below at once for necessary correction and record.

(Justice Md. Toufiq Inam)

Ashraf/ABO.