

# SUPREME COURT OF INDIA

Bijay Kumar Saraogi

Vs.

State of Jharkhand

C.A.No.848 of 1999

(B.P.Singh and Arun Kumar JJ.)

26.04.2005

## JUDGMENT

### **B.P. Singh, J.**

1. We have heard counsel for the parties.
2. 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 against which the appellant preferred a reference under Section 18 of the Land Acquisition Act and the 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 there from.
3. In the year 1995 the appellant filed in application under Section 152 C.P.C. before the Special Sub-Judge, Ranchi claiming that he was entitled to the benefit conferred by Sections 23(2) and 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 by the High Court.
4. 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 purposes of correcting clerical errors or arithmetical mistakes in the judgment. The Section 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 required for this proposition, one may refer to the decision of this Court in *State of Punjab vs. Darshan Singh*.
5. The appeal, therefore, lacks merit and is accordingly dismissed. No costs.