



C.R.P.No.296 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 20.02.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.No.296 of 2026**  
**and**  
**C.M.P.No.1575 of 2026**

Wilson

... Petitioner

VS.

1.Palanisamy

2.Vasanthamani

... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the impugned corrected Decree dated 02.11.2023 passed in O.S.No.709 of 2010 on the file of I Additional Subordinate Court, Coimbatore as illegal and abuse of process and allow the CRP.

For Petitioner : M/s.U.Ramya  
for M/s.R.Bharath Kumar

For Respondents : Mr.N.Manokaran



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## **ORDER**

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The Civil Revision Petition is filed seeking to set aside the Corrected Decree dated 02.11.2023 passed in O.S.No.709 of 2010 on the file of the I Additional Subordinate Court, Coimbatore.

2. It is not in dispute the respondents herein filed a suit seeking recovery of advance amount. The said suit was decreed by judgment dated 02.11.2023. It is also not in dispute the Trial Court drafted a decree, as if the suit filed by the respondent herein was dismissed. The copy of the Decree dated 02.11.2023 is produced before this Court and perusal of the same would indicate the certified copy of the decree was made ready on 07.05.2024 in Copy Application No.15719 of 2023.

3. It appears, subsequently the error in the decree has been brought to the notice of the Trial Court and hence, the impugned new decree has been drafted by directing the petitioner herein to pay the suit sum of Rs.8,00,000/- with interest at the rate of 24% from the date of filing of the suit. The correction of the decree was done by the Trial Court without issuing notice



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to the parties and therefore, aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that the Trial Court *suo motu* corrected the decree without issuing notice to the petitioner. The learned counsel further submits that in the judgment, there is no discussion about the interest payable on the decretal amount. Therefore, the Trial Court committed an error in directing the petitioner to pay interest at the rate of 24%.

5. The learned counsel appearing for the respondents by relying on the judgment in ***Samarendra Nath Sinha and another vs. Krishna Kumar Nag*** reported in ***1966 SCC Online SC 29*** would submit that the Court has got inherent power to correct a clerical mistake or an error arising from an accidental slip or omission. Therefore, according to the learned counsel for the respondents, the Trial Court is justified in redrafting the decree and the decree impugned by the petitioner herein need not be interfered with.

6. As far as proposition of law submitted by the learned counsel for the respondents, there is no quarrel. The Civil Court has got inherent power



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to correct any clerical mistake or an error arising from an accidental slip. In the case on hand, the earlier decree drafted by the Trial Court is the result of accidental slip. Therefore, nothing wrong in redrafting the decree so as to bring the decree in tune with the judgment. However, after issuing a decree, redrafting of the decree shall be done only after issuing notice to the parties.

7. In the case on hand, the Trial Court appear to have passed an order on 30.04.2024 for redrafting of the decree without hearing the parties and based on the said order, the impugned decree has been drafted. Since the earlier decree has been redrafted without hearing the parties, this Court feels the redrafted decree impugned in this revision is liable to be set aside with direction to the Trial Court to hear the parties and then pass necessary orders to cure the accidental slip in drafting the decree.

8. Accordingly, the Civil Revision Petition stands allowed and the redrafted decree dated 02.11.2023 in O.S.No.709 of 2010 impugned in this revision is set aside and the 1<sup>st</sup> Additional Subordinate Court, Coimbatore is directed to issue notice to both the parties and after hearing them, pass necessary orders for correction of accidental slip in drafting of the decree. Taking into consideration the respondent already filed an execution petition



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based on the redrafted decree and the same is pending, the Trial Court is directed to complete the process of redrafting of decree after hearing the parties within a period of three weeks from the date of receipt of copy of this order. The respondents are entitled to substitute the new decree in the execution proceedings and proceed with the execution as per the new decree and in accordance with law. No costs. Consequently, the connected civil miscellaneous petition is closed.

**20.02.2026**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
dm

To

The I Additional Subordinate Court,  
Coimbatore.



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**S.SOUNTHAR, J.**

dm

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**20.02.2026**