

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(108)

**CR No.4780 of 2015 (O&M)
Decided on: July 31, 2015.**

Jaswinder Singh

.... Petitioner

Versus

Sukhdev Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Baldev Singh Sodhi, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

Vide impugned order, in exercise of discretion under Sections 152 and 153 CPC, the trial Court has rectified a typographical error to the effect that defendant No.1 Sukhdev Singh who had received earnest money from the plaintiff-petitioner shall be liable to refund the amount of Rs.45,000/- with interest whereas inadvertently it had been recorded in the judgment and decree that the plaintiff would be entitled to recover amount of Rs.45,000/- from the "defendant". The trial Court after taking into consideration the judgment and findings of various issues permitted the correction of error in the operational part of the judgment by replacing word "defendant" to defendant No.1.

No ground is made out for interference in the impugned order as scope of interference in the discretion exercised by the trial Court in accordance with law is meager.

I have considered the contentions of learned counsel for the petitioner that defendant-respondent No.1 Sukhdev Singh was ex parte before the trial Court and that it will be difficult to trace him.

I do not find any ground in the said contention as a person who has suffered an ex parte decree as equally liable as other persons who have contested the suit. The decree will be executable against defendant No.1 in accordance with law.

Disposed of.

(M.M.S. BEDI)
JUDGE

July 31, 2015
harsha