

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

CR No.5779 of 2015 (O&M).

Date of Decision: 04.09.2015.

Onkar Singh

....Petitioner.

VERSUS

Jaipal and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Shashi Kant Gupta, Advocate for the petitioner.

SNEH PRASHAR, J.

By way of this petition under Article 227 of Constitution of India, the petitioner has sought setting aside of order dated 27.07.2015 passed by Additional Civil Judge (Senior Division), Mahendergarh whereby his application filed under Sections 151, 152, 153 and 153-A of the Code of Civil Procedure (for short, "the Code") was dismissed.

The submissions made by Mr. Shashi Kant Gupta, learned counsel representing the petitioner have been considered.

An application under Section 151, 152, 153 and 153-A of the Code was filed by the petitioner before Additional Civil Judge (Senior Division), Mahendergarh for rectification of judgment and decree dated 11.08.1981 passed in Civil Suit No.279 of 1978 titled 'Jaipal etc. vs. Sultan Singh etc.' by the then Sub Judge Ist Class, Mahendergarh. Their submission was that due to bonafide mistake and oversight the compromise

dated 13.04.1979 vide which the plaintiffs in the suit had relinquished their claim against the petitioners, who were arrayed as defendants No.23 to 26 in the suit, qua sale deed No.164 dated 02.06.1976 and sale deed No.232 dated 20.06.1975 was not discussed in the judgment and decree dated 11.08.1981.

Learned counsel for the petitioner argued that since the order dated 13.04.1979 passed on the basis of compromise had attained finality, judgment and decree dated 11.08.1981 needs to be rectified by declaring the sale deed No.232 dated 10.06.1975 as legal and valid qua the petitioner by virtue of compromise dated 13.04.1979 and the suit to that extent be dismissed.

Sections 151, 152, 153 and 153-A of the Code provide only for rectification of clerical, typographical and arithmetical error arising in the judgment by accidental slip/omission. Indeed, as observed by learned trial Court the case in hand is not where the petitioner is praying for rectification of any mistake of the kind as aforesaid. In fact, he is almost praying for rewriting/review of the judgment on the basis of a compromise. The relief claimed by the petitioner is not covered under the provisions of Section 151, 152, 153 and 153-A of the Code. Accordingly, finding no illegality or perversity in the order warranting intervention, the petition is dismissed.

(SNEH PRASHAR)
JUDGE

04.09.2015.
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