

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6831 of 2014 (O&M)

Date of decision: 28.04.2015

Jagdish Chand

... Petitioner

versus

Jamshed

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Arjun Atri, Advocate for the petitioner.

Mr. Amit Sheoran, Advocate for the respondent.

K.Kannan, J.

This is a revision against the order dismissing an application for amendment of the decree. The amendment sought for was that the Court had granted interest @ 2% per annum which he wanted to change as 2% per month. This according to him was the interest provided in the mortgage document and the decree, therefore, contained a clerical error.

I have gone through the decree and the judgment. The decree is normally drawn in terms of the judgment. The judgment provides only for 2% interest per annum and there is no discussion about the recital in the mortgage as regards the interest. It cannot therefore be taken to be a clerical error liable for correction under Section 152 CPC. The proper remedy will be only by means of regular appeal against the judgment seeking for modification with reference to the rate of interest.

The counsel for the petitioner states that he will prefer an appeal but his appeal is barred by time. The petitioner is at liberty to prefer an appeal and seek for condonation of delay by a suitable application under Section 14 of the Limitation Act referring to the

prosecution of the application for amendment of the decree as under circumstances which was bonafide. If such a request is made, the Court may consider the same in the light of the facts disclosed and proceed to pass an appropriate order.

The civil revision petition is disposed of as requiring no interference with the order passed, but to allow the petitioner to file the appeal as aforesaid.

28.04.2015

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(K.KANNAN)
JUDGE