

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7150 of 2014

Date of decision: March 12, 2015.

Ajit Pal Singh etc.

... **Petitioners**

v.

Kovalska Iryna etc.

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Hari Om Sharma, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Dismissal of application under Sections 151 & 152 CPC, filed by the petitioner-husband for correction of alleged clerical errors in judgment dated 5.7.2014 in a petition under Section 28 of the Special Marriages Act, forms the genesis of the revision petition.

Pursuant to a settlement, marriage between the parties solemnized on 22.1.2004 at Yamuna Nagar had ended in a decree of divorce by dissolution of such marriage. There were certain clerical mistakes in name and parentage of the wife which had been allowed to be corrected. Matter with regard to custody of the minor child was not incorporated because omission in that regard in the impugned order was not found to be of a clerical nature, correctable as desired.

Counsel for the petitioner has not been able to convince this Court as to how this omission regarding passing of an order of custody of the minor child to remain with the husband, with visiting rights to the wife

once in a month, is an error of clerical nature.

Question with regard to custody of the child is a serious affair. Even though statement is shown to have been made by the petitioner to this effect before the court below, *ipso facto* would not be an inbuilt guarantee of the said statement to be part of the decree.

When Counsel for the petitioner has not been able to convince this court as to how omission of substantive nature with regard to custody of the minor is a small issue, omission to adjudicate this aspect in the impugned order, cannot be said to be inadvertent.

Tilak Raj v. Baikunthi Devi (d) by LRs, 2010(12) SCC 585, Mohinder Singh and others v. Teja Singh and others, 1978 PLR 728 and Shri Jai Singh v. Sardar Singh and others, 2009(5) RCR (Civil) 723 have been relied upon by Counsel for the petitioner to support his claim that the court should carry out inadvertent mistakes of clerical nature. The mistake alleged to have been committed is not of inadvertent or of clerical nature, it is not of insignificant nature either.

No merit. Dismissed.

March 12, 2015.
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[Dr. Bharat Bhushan Parsoon]
Judge

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*