

**HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

**C.R.P. No.2767 OF 2015**

**ORDER:**

The Civil Revision Petition is filed against the judgment dated 17.04.2015 passed in I.A. No.902 of 2014 in O.S. No.41 of 2010 on the file of Principal Junior Civil Judge, Ranga Reddy District at L.B Nagar.

2) Heard learned counsel for revision petitioner and learned counsel for respondents. Perused the material on record.

3) There is no dispute on the difference between the scope of Sections 152 and 153 C.P.C for the reason that Section 153 C.P.C is a general power in the pending proceedings and Section 152 C.P.C is the power of amending clerical or arithmetical mistake after passing the judgment and decree. It is to say, practically, Section 152 C.P.C is to rectify the mistakes of the Court based on the principle of *actus curiae neminum gravabit* (an act of a Court shall Prejudice no man).

4) It is the case of the revision petitioner, who was unsuccessful in I.A. No.902 of 2014 in O.S. No.41 of 2010 in the application filed at the post decree stage during pendency of appeals A.S Nos.157 and 161 of 2014 on the file of XIV Additional District Judge, Ranga Reddy District at L.B Nagar, undisputedly, that in the plaint schedule itself, there is a mistake in the description of the premises and the same was carried out in the decree of the lower Court and it is noticed from the appeal filed and it requires to be corrected invoking Sections 152 and 153 C.P.C.

5) Both provisions will not come to the aid of the revision petitioner to interfere with the impugned dismissal order of the lower Court. The remedy, if at all, is to seek for amendment of the Door number of the plaint schedule by filing an application under Order VI Rule 17 C.P.C read with Section 153 C.P.C. in the pending appeal proceedings, for the appellate Court, if at all, to decide on merits and in

the event of success therein, to file an application before the trial Court by return of the original decree for correction pursuant to the amendment allowed, if any and return with correct description by carrying out the same, pursuant to the amendment. As such there is nothing to interfere with the impugned order.

6) Accordingly, the Civil Revision Petition is disposed of. No order as to costs.

7) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

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**Dr.JUSTICE B. SIVA SANKARA RAO**

Dt.22.07.2016

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