

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2341 of 2016

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Date: 03.06.2016

Between:

Gujju Naidu

.. Petitioner

and

Kolli Venkata Ramana

.. Respondent

Counsel for the petitioner : Mr.ASC.Bose

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The Court made the following:

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Order:

The decree holder in OS.No.552 of 2012 filed this Civil Revision Petition feeling aggrieved by Order, dated 01.02.2016, in IA.No.1230 of 2015 in OS.No.552 of 2012, on the file of the Court of the learned II Additional District Judge, Visakhapatnam.

The petitioner borrowed certain amounts from the respondent under Mortgage Deed, dated 12-01-2011, and filed OS.No.552 of 2012 on the file of the Court of the learned II Additional District Judge, Visakhapatnam, for redemption of mortgage for a sum of Rs.15,63,773/-. A preliminary decree was passed by the lower Court on 11.03.2015. As there were certain typographical errors, the petitioner filed IA.No.797 of 2015 to rectify the same. The said IA was allowed by Order, dated 16-06-2015, in pursuance of which the decree was amended by rectifying the clerical errors in relation to the description of the plaintiff as the defendant and the defendant as the plaintiff and also the numerical errors. However, an additional sentence was added to Para 1(1) at Page 2 of the decree, which reads “on principal amount of Rs.10 lakhs”. The respondent filed IA.1230 of 2015 for deletion of these additional words in the amended decree. By the order under revision, the lower Court has deleted these words.

As observed by the lower Court, the above-mentioned additional words did not find place either in the judgment or in the original

decree. Under Section 152 of the Code of Civil Procedure, 1908, the Court is vested with the power to amend the judgments, decrees or orders only by correcting the clerical or arithmetical mistakes. As rightly observed by the lower Court, the additional words in the amended decree by no means fall within the description of the 'clerical or arithmetical errors'. Hence, the lower Court has rightly deleted the said words. I do not, therefore, find any error, jurisdictional or otherwise in the order of the lower Court for interference of this Court.

Hence, this Civil Revision Petition is dismissed.

As a sequel, CRPMP.No.2984 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd June, 2016
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