

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5369 of 2016 (O&M)

Date of decision:26.09.2016

Wazir Singh and others

... Petitioners

Vs.

Raj Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Goyat, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner-decree holders are aggrieved of the impugned order dated 11.02.2016 (Annexure P-4), whereby, the application filed under Sections 151 and 152 of Code of Civil Procedure (hereinafter referred to as “CPC”) for making correction in the judgment and decree dated 02.01.2009, has been dismissed.

Mr. Sandeep Goyat, learned counsel appearing on behalf of the petitioner-decree holders submits that the aforementioned correction is required to be incorporated in the judgment and decree dated 02.01.2009. No doubt, the application aforementioned, was filed in the year 2011 but until and unless, the same very correction is not made, the purpose of the judgment would not suffice.

I have heard learned counsel for the petitioner-decree holders and appraised the paper book.

The factum of error has seriously been disputed by the other side. In fact, the parties to the lis, particularly, the defendants were not at *ad idem*. If at all, there was a defect in the pleadings, the petitioners could have moved the application for amendment of the same. Even the present application has been filed after a lapse of 02 years of decree and therefore, a valuable right has accrued in favour of the respondents, who seriously contested the application. Even the provisions aforementioned, would not apply to such facts and circumstances of the case as decree is not in consonance with the provisions.

In view of the aforementioned observations, I do not intend to differ with the findings rendered in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 26, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No