

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.733 of 2016 (O&M)

Date of decision: 3.2.2016

**Shri Vishav Bandhu Gupta (deceased)**  
**through his LR's and others.**

.....Petitioner(s)

**Versus**

**Haryana Urban Development Authority**  
**Panchkula & anr.**

.....Respondent(s)

**CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH**

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Present: Mr. Ankit Swarup, Advocate and Mr.Aditya Jain, Advocate for  
the petitioners.

**Darshan Singh, J.**

1. The present revision petition has been preferred against the order dated 21.8.2013 whereby the application for correction of judgment and decree dated 12.12.2005 has been dismissed.

2. The civil suit filed by the petitioners was decided by the Court of learned Civil Judge (Senior Division), Kurukshetra vide judgment dated 12.12.2005 in favour of the petitioners. The petitioners moved an application under Sections 151 and 152 of the Code of Civil Procedure, 1908 (hereinafter called 'the CPC') for correction of the judgment and decree dated 12.12.2005 whereby the suit filed by the petitioners was decreed and the plaintiff-petitioners was held entitled for allotment of the residential plots measuring 250 Sq.yards each in City Centre, Sector-10, Kurukshetra at the reserved price in accordance with the declared policy of the Government. The

respondents had preferred an appeal against the aforesaid judgment. The same was dismissed by the learned Additional District Judge, Kurukshetra vide judgment and decree dated 22.8.2007. The petitioner filed the execution petition but the respondents filed the objections that they are unable to comply with the decree on the ground that there was no vacant plot of 250 sq. yards in Sector-10, Kurukshetra. The petitioner moved the present application for correction of the judgment and decree dated 12.12.2005 to the effect that the plaintiffs/applicants are entitled for residential plot of 250 sq. yards each in any other adjoining sector at Kurukshetra in place of Sector-10, Kurukshetra.

3. The said application was contested by the respondents. Ultimately, the same was dismissed by the learned Executing Court vide impugned order dated 21.8.2013. Hence, this petition.

4. I have heard Mr. Aditya Jain, learned counsel for the petitioners and have carefully gone through the paper book.

5. Initiating the arguments, learned counsel for the petitioners contended that the learned trial Court has wrongly dismissed the application filed by the petitioners under Section 151 and 152 CPC for correction of the judgment and decree dated 12.12.2005. He contended that the correction sought in the decree was only formal in nature and was essential for doing real justice between the parties.

6. I have duly considered the aforesaid contentions.

7. Vide this application, the petitioners have sought the

modification of the relief granted by the learned trial Court which is beyond the scope of the correction of the decree. As per Section 152 CPC only the clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission can be corrected by the Court but the correction sought by the petitioners by no stretch of imagination falls within the ambit of Section 152 CPC. Moreover, it is an admitted case of the petitioners that against the judgment and decree dated 12.12.2005, the appeal was preferred by the respondents and the same was dismissed by the learned Additional District Judge, Kurukshetra, vide judgment and decree dated 22.8.2007 and even a Regular Second Appeal was preferred. The same has also been decided by this Court. Thus, the judgment and decree dated 12.12.2005 passed by the learned Civil Judge, has merged with the decrees passed by the Appellate Courts and the learned Civil Judge had no jurisdiction to make any such correction in the judgment and decree dated 12.12.2005.

8. The petitioners were fully aware of the fact that the judgment and decree dated 12.12.2005 passed by the learned Civil Judge (Senior Division), Kurukshetra, has merged with the decree passed by the Appellate Court still they filed the application before the learned Civil Judge for correction of the judgment and decree passed by it. Thus, that application on the face of it was frivolous.

9. Thus, I do not find any illegality in the impugned order and the present petition is hereby dismissed with costs of ₹ 15,000/-. The costs be deposited with the District Legal Services Authority,

Kurukshetra.

10. Copy of this order be forwarded to the Chairman, District  
Legal Services Authority, Kurukshetra.

**February 03, 2016**  
*ps*

**(DARSHAN SINGH)**  
**JUDGE**