

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA No. 54 of 2016 (O&M)
Date of Decision: 01.08.2016**

Jagjit Singh and others

.....Appellants

Vs.

Charanjit Singh

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jashandeep Singh, Advocate,
for the appellants.

AMOL RATTAN SINGH, J. (ORAL)

This appeal has been filed solely on the ground that the lower appellate Court, while holding that issues No. 1 to 3, and 4, are decided against the appellants before it, i.e. the plaintiff (now respondent before this Court), in one line stated that "appeal is therefore, allowed" instead of saying that appeal is dismissed, in view of the aforesaid finding. Thereafter, it was further held that the impugned judgment of the learned lower Court is set aside and the suit of the plaintiff was dismissed. The decree sheet was also accordingly prepared, showing the appeal to be allowed and the suit to be dismissed

The aforesaid mistake having been shown to be a purely clerical error, the remedy before the learned lower

appellate Court itself was easily available with the appellants, under Section 152 of the Code of Civil Producer, 1908.

Consequently, with liberty to move an appropriate application under Section 152 CPC, before the learned lower appellate Court, this appeal is dismissed.

(AMOL RATTAN SINGH)
JUDGE

August 01, 2016
nitin

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No.