

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.1105-2015
Date of decision:7.2.2017**

Darshan Singh

...Petitioner

Versus

Lakhvir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.L.S.Sidhu, Advocate for the petitioner.
Mr.K.S.Rekhi, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 22.10.2014 (Annexure P-5) passed by the learned trial Court, dismissing the application of the plaintiff-decree holder under Section 152 read with Section 151 of the Code of Civil Procedure ('CPC' for short) for correction of a clerical error in the decree-sheet, decree holder-plaintiff has approached this Court, by way of present revision petition.

Notice of motion was issued.

It is a matter of record and not in dispute that during the pendency of the present revision petition RSA No.4368 of 2014 has been decided by this Court.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that instead of passing the impugned order, learned trial Court ought to have kept the application moved by the petitioner pending to await the decision of this Court in RSA No.4368 of 2014 (Lakhvir Singh Vs. Sukhwinder Singh and others).

In view of the above-said undisputed fact situation, obtaining on the record of the case, this Court feels no hesitation to conclude that the impugned order is patently illegal and the same cannot be sustained.

Accordingly, the impugned order is set aside. Learned trial Court is directed to decide the application moved by the petitioner under Section 152 read with Section 151 CPC afresh, by passing an appropriate order thereon, at an early date, however, in accordance with law.

Resultantly, with the observations made above and direction issued, the instant revision petition stands allowed, however, with no order as to costs.

7.2.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No