

CR No. 2197 of 2017 (O&M)

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

CR No. 2197 of 2017 (O&M)

Date of decision: 1.8.2017

Ashok Kumar

...Petitioner

Versus

Inderjit Kaur others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 29.8.2016 (Annexure P-3) passed by the learned trial court, whereby application moved on behalf of the plaintiffs under Section 152 of the Code of Civil Procedure ('CPC' for short), was allowed, thereby directing some corrections in the judgment and decree, defendant No.2 has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A careful perusal of the impugned order would show that learned trial court rightly exercised its jurisdiction. It was only a clerical/

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typographical mistake in the judgment and decree passed by the learned trial court, which was sought to be corrected and it was rightly ordered to be corrected. Neither defendants, including the petitioner, were taken by surprise, nor any kind of prejudice has been caused to the petitioner, by passing the impugned order. Having said that, this Court feels no hesitation to conclude that learned trial court was well within its jurisdiction to pass the impugned order and the deserves to be upheld.

Application moved by the plaintiffs under Section 152 CPC was based on facts and figures and correctness thereof was not even disputed by the petitioner. Thus, it was an admitted and bonafide typographical mistake in the judgment and decree. Scope and object of Section 152 CPC was to carry out correction of bonafide mistakes that may take place at the time of passing of the judgment and decree. Only that is what has been sought to be done by the learned trial court. Under these undisputed facts and circumstances of the case, it can be safely concluded that learned court below committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserve to be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the

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considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

1.8.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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