

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

C.R. No. 8816 of 2016

Date of Decision:- 09.01.2017

State of Haryana th. Collector Hisar & anotherPetitioners

vs.

Sita Ram & ors.Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rajesh Kumar Sheoran, Addl. A.G., Haryana,
for the petitioners.

DAYA CHAUDHARY, J. (Oral)

Petitioner-State of Haryana has filed the present revision petition under Article 227 of the Constitution of India for setting aside impugned order dated 7.9.2016 passed by the Court of Civil Judge (Junior Division), Hisar whereby the application moved by the Government Pleader to assess the pleader fee and incorporate the same in the Memo of Costs and amend the decree sheet dated 13.6.2012 was rejected.

Learned counsel for the petitioners submits that it was a clerical mistake and there was an omission for which the application was moved. The impugned order dated 7.9.2016 has been passed only on the ground that the application was not maintainable as decree sheet has been prepared. It has wrongly been mentioned that it was not a clerical error or omission in the decree sheet.

Heard arguments of learned counsel for the petitioners and have also perused the impugned order dated 7.9.2016.

Admittedly, the suit was dismissed with costs but Pleaders Fee was not incorporated in the Memo of Costs. Thereafter, an application was moved under Section 152 CPC on the ground that it was a clerical omission or mistake and, therefore, the correction is required.

On perusal of impugned order, it is clear that the cost amount has not been granted by the Court in the decree which amounts to denial of the cost amount. It cannot be said that it is a clerical omission or mistake on the part of the Court. After passing of decree, the application for amendment could have been moved as the cost amount has not been granted but instead of moving an application for amendment, the application under Section 152 read with Section 151 CPC has been moved.

No ground is made out to interfere with the impugned order as non-grant of cost amount cannot be said as a clerical mistake.

Accordingly, the present revision petition is dismissed. However, State is at liberty to avail the appropriate remedy.

January 09, 2017
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No