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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-RS-140-C-2016 IN
RSA-3201-2013
Date of decision : 03.11.2017

Bahadur Singh

... Review applicant(s)

Versus

Ram Murti

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harpal Singh Baidwan, Advocate
for the review applicant/appellant.

Mr. Balbir Singh Saini, Advocate
for the non-applicant/respondent.

AMIT RAWAL, J. (ORAL)

Prayer in the review application under Order 47 Rule 1 read with Section 151 of the Code of Civil Procedure is for review of judgment dated 04.10.2016 passed by this Court, vide which, the aforementioned appeal was partly allowed.

Learned counsel for the parties are *ad idem* that once this Court had partly allowed the appeal of the appellant-plaintiff preferred against the judgment and decree of both the Courts below, the findings of both the Courts below ought to have been set aside/modified, whereas due to inadvertence, at page 5 of the judgment dated 04.10.2016, the judgment and decree of the trial Court was restored.

I have heard the learned counsel for the parties and appraised

the paper book and of the view that there is an error apparent on the face of record and the same needs to be modified. Accordingly, the last paragraph at page 5 of the judgment reads thus:-

"Therefore, I do not intend to frame the substantial questions of law while deciding the appeal, aforementioned. For the reasons aforementioned, the findings of both the Courts below are set aside. The suit of the appellant-plaintiff succeeds. Resultantly, the Regular Second Appeal is partly allowed. Decree sheet is ordered to be prepared."

Review Application stands allowed in the aforementioned terms.

03.11.2017
Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**