

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

C.R. No.1008 of 2017

Date of Decision.22.01.2018

Jai Parkash

.....Petitioner

Vs

Prem

.....Respondent

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Ravinder Phogat, Advocate  
for the petitioner.

Mr. Sumit Sangwan, Advocate  
for the respondent.

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**AMIT RAWAL J.(ORAL)**

The present revision petition is directed against the order dated 06.12.2016 passed by the Additional Civil Judge (Senior Division) Loharu dismissing the application moved under Section 151 and 153 CPC for correction of clerical mistake in the plaint as well as in the compromise deed.

Learned counsel appearing on behalf of the petitioner submitted that a civil suit bearing No.471 of 2016 has been filed claiming declaration to the effect that he is owner in possession of the suit property as described in the plaint within the revenue estate of Village Behal, Tehsil Loharu, District Bhiwani. However, due to inadvertence, khasra No.354 had been typed in place of 353 and the compromise was also arrived at in view of the averments made in the plaint. The said error was sought to be corrected as no harm or prejudice would be caused to the respondent-defendants and the aforementioned application was not even opposed by the respondent-defendant, thus, urges this Court for setting aside the order under challenge.

I have heard learned counsel for the petitioner and appraised the paper book. The impugned order reads as under: \_

*“Present: Shri Ramphal Kadiyan, Adv for the applicant.*

*File taken up today on an application under Section 151 and 153 CPC for correction of clerical mistake in plaint as well as compromise deed moved by ld. Counsel for the applicant. Heard. This Court has already passed award dated 3.11.2016 as per the plaint and the compromise Ex.C1, filed by the parties. Now, this Court has become functus officio regarding the same matter and the award has been rightly passed as per the plaint filed by the plaint. This no ground is made to allow the application and the present application is hereby dismissed and it be consigned to record room along with main appeal.*

*Dated:6.12.2016*

*sd/-  
Vineet Sapra  
ACJ(SD), Loharu.”*

I am of the view that the observation of the Court below that it has become *functus officio* is wholly incorrect. If at all, the award was to be passed as per the original documents placed on record. Nothing prevented the Court to make correction in the compromise, if not in the plaint, as the plaintiff would have required to move an application under Order 6 Rule 17 CPC. This fact has not been controverted by the counsel appearing for the respondent-defendant.

Resultantly, the impugned order is set aside. The application moved by the plaintiff seeking correction in the khasra number as 353 instead of 354 is ordered. The khasra number shall be read as 353 in the compromise deed. The trial Court is directed to cause necessary correction in the

compromise and in the decree sheet. The trial Court can also record statement of the parties in this regard, if so required.

This Court while issuing notice of motion on 01.03.2017 had directed to deposit a sum of ₹12,000/- as litigation expenses to be paid to the respondent. Learned counsel for the petitioner submits that in pursuance of the aforementioned order, the amount of ₹12,000/- has been deposited as litigation expenses. The amount of ₹12,000/- is ordered to be deposited to the respondent as litigation charges in accordance with law.

The revision petition stands disposed of in the above terms.

(AMIT RAWAL)  
JUDGE

January 22, 2018  
Pankaj\*

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|---------------------------|-----|
| Whether reasoned/speaking | Yes |
| Whether reportable        | No  |