

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6923 of 2016 (O&M)
Date of Order: 21.03.2018

Prem and anotehr

..Petitioners

Versus

Arjun and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.P.Sharma, Advocate,
for the petitioners.

Mr. Rakesh Nehra, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

This revision petition has been filed against an order passed by the learned trial court dismissing the application under Sections 151, 152, and 153 of the Code of Civil Procedure, for correction of mistake in the judgment dated 26.07.2008 on the ground that the application has been filed beyond reasonable time i.e. 3 years and hence the application is not maintainable.

In the considered opinion of this Court, the entire approach of the learned trial court was erroneous. Application under Sections 152 and 153 CPC is filed for amendments in the judgment, decrees or orders arising from clerical or arithmetical mistakes or errors arising therein from any accidental slip or omission. Section 152 specifically provides that the correction can be ordered at any time. It is further provided that the correction can be ordered by the court either on its own motion or on an

application of any of the parties. In these circumstances, the learned trial court committed material illegality in dismissing the application only on the ground of limitation.

In view thereof, the order dated 26.08.2016, passed by the learned Addl. Civil Judge (Sr. Division), Narwana, is set aside.

Learned trial court is requested to re-decide the application on merits after examining the facts of the case.

Parties through their counsel are requested to appear before the learned trial court, on 06.04.2018.

The revision petition is allowed.

March 21, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No