

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

CR-7524-2013 (O&M)

Date of decision : 21.2.2018

Mani Ram and others

..... Petitioners

Versus

Pirthi and ors

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Mohit, Advocate for
Mr. R.A. Sheoran, Advocate for the petitioners.

None for respondents.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Respondents have been served but no representation has been made on their behalf.

Heard.

Impugned in the present revision petition is the order dated 9.5.2013, (Annexure P-7) passed by learned Civil Judge, (Junior Division), Hisar, vide which an application for correction in decree/award to include Khasra No. 30//12 (8-0) in the compromise (Ex. C1).

Learned trial Court took the view that under Section 152 of the Code of Civil Procedure, 1908, only arithmetical clerical mistake in the judgments, decrees or orders and decree can be corrected.

A perusal of the file shows that suit for permanent injunction was pending before the learned trial Court. During the pendency of the said suit, parties had effected a written compromise (Annexure C1).

Accordingly, both the parties made the statement that case may be decided in terms of the compromise (Annexure C1) and the same may be made part of the decree.

The matter was put up before the Lok Adalat presided over by learned Civil Judge, (Junior Division), Hisar. Vide order dated 25.2.2006 (Annexure P-4), it was held that in view of the statement made by plaintiffs, suit is dismissed as withdrawn being compromised. Parties were directed to remain bound by way of their statement and written compromise (Annexure C1) was made part of the award.

Now it is stated that khasra numbers 30//12 (8-0), was not mentioned in the award nor mentioned the compromise (Annexure C1) and therefore is not recorded to have fell to the share of any of the parties.

I am of the view that it is in fact a clerical error in the compromise and the award. The trial Court exercising the powers under Section 151 read with Section 152 of the Code of Civil Procedure, 1908, can correct the said order.

In view of the above, impugned order dated 9.5.2013 (Annexure P-7), passed by learned Civil Judge, (Junior Division), Hisar is set aside and the matter is remanded back to the trial Court for passing a fresh decision to decide the fate of said khasra number i.e. 30//12 (8-0) in view of observations above.

Disposed of with aforesaid observations.

(KULDIP SINGH)
JUDGE

21.2.2018

preeti