

CR-6594-2018 (O&M)

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

CR-6594-2018 (O&M)

Date of decision : 13.05.2019

Mamta

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Learned counsel for the petitioner submitted that owing to the wrong advice, an application under Sections 152 and 153 of the Code of Civil Procedure, was submitted for correction of the clerical error in the judgment and decree dated 08.08.2011, which was basically based upon the pleadings, therefore, there cannot be any error. The petitioner may be granted liberty to move appropriate application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the plaint.

I have heard learned counsel for the petitioner, appraised the paper book and in agreement with the submissions of Mr. Manuja, for, the error has not occurred on account of lapse of the trial Court, but it was based upon the pleadings, which were required to be amended, as the prayer clause in the suit, was not proper. In such circumstance, I am of the view that the petitioner cannot be rendered remediless. The petitioner is granted

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liberty to move appropriate application, de hors of the fact the any such application is filed, the Court below shall decide the same, on merits uninfluenced with the order passed by the trial Court, dismissing the application filed under Section 151 of CPC.

With the aforesaid observations, the present revision petition stands disposed of.

13.05.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**