

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

CR No. 3144 of 2019 (O&M)
Date of decision: 14.5.2019

Mohinder Singh

...Petitioner

Versus

MMV Samiti

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Renu Dhull, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. This revision seeks to challenge the order passed by the Rent Controller dismissing an application filed under Section 152 of the Code of Civil Procedure for correction of the judgment dated 30.8.2018.

2. Learned counsel appearing on behalf of the petitioner raises the contention that the Rent Controller by her decision dated 30.8.2018 had ordered eviction of the petitioner herein, who is a tenant in the premises. It is submitted that the Rent Controller erred in allowing the eviction petition while not taking into account the documents that have been placed on the record, namely Exs. RW/A to RW/G. This would be evident as the exhibits were not discussed in the final judgment dated 30.8.2018. Therefore, the petitioner was constrained to file an application under Section 152 of the Code of Civil Procedure for correction of the judgment, which application stands dismissed.

3. I have heard learned counsel for the petitioner and find that no ground is made out for interference in the revision petition.

4. Admittedly, an ejectment petition has been decided by the judgment passed by the Rent Controller dated 30.8.2018. If the Rent Controller had not taken into account any of the documents that had been placed on the record or discussed the same, the petitioner would have reasoned to challenge the said judgment by way of filing an appeal under Section 15 (2) of the Haryana Urban Rent Control Act. Section 152 of the Code of Civil Procedure pertains to correction of clerical or arithmetical mistakes that have crept in in judgments, decrees or orders or errors arising therein from any accidental slip or omission. It empowers the Court to correct such mistakes either of its own motion or on the application of any of the parties.

5. In the case in hand, the petitioner herein seeks correction of the judgment on the ground that the documents exhibited by him were not considered, which correction would not fall within the ambit and scope of Section 152 of the Code of Civil Procedure, which pertains to the power of the Court only to correct a clerical or arithmetical mistake occurred in the judgment. As already noticed, the remedy available to the petitioner was to challenge the final judgment, in case there was any irregularity or illegality in the said judgment by way of filing an appeal before the Appellate Authority.

6. Consequently, this revision petition is dismissed being bereft of merit.

14.5.2019

prem

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes

No