

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

Sr. No.124

Civil Revision No.2395 of 2021

Date of Decision : October 14, 2021

Gurdeep Singh

...Petitioner

Versus

Daman Kochar @ Daman and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pankaj Maini, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is the defendant. A suit for recovery was filed against him and the same was decreed along with interest. Appeal and second appeal have also been dismissed. Thereafter, the decree-holder-respondent No.1 sought execution of the decree in which objections were filed by the petitioner. The same were dismissed vide order dated 04.01.2021. Subsequently, the petitioner filed an application under Sections 152 and 153 CPC for amending judgment and decree dated 28.02.2020. This application has also been rejected vide order dated 10.09.2021.

It is submitted that Section 153-A of the Code of Civil Procedure enables the First Appellate Court to amend the judgment and decree against which second appeal has been dismissed in limine. Thus, the First Appellate Court was in error in rejecting the application.

A perusal of the impugned order shows that the application filed was under Sections 152 and 153 CPC. The learned Additional District Judge, Mohali has held that the provisions relied upon enable a Court to

Civil Revision No.2395 of 2021

correct clerical or arithmetical mistakes only. The amendment sought not being a clerical or arithmetical mistake was not liable to be allowed. Thus, the application has been dismissed.

There is no error in the aforementioned order as the Court is correct in coming to the conclusion reached by it. No argument was ever raised on the basis of Section 153-A CPC and thus, this argument cannot be raised in revision petition.

For the aforementioned reasons, the revision has no merit and is dismissed.

October 14, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No