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A.No.4552 of 2022

A.No.4552 of 2022
in C.S.No.262 of 2014

G. CHANDRASEKHARAN, J.,

This application has been filed to amend the judgment and decree dated 11.07.2018 in C.S.No.262 of 2014.

2. It is submitted by the learned counsel for the applicant that during the pendency of the suit, both the plaintiff and defendant had entered into the settlement and a joint compromise memo was filed, seeking the decree in terms of joint compromise memo, in this Court on 11.07.2018. However, in the judgment after recording the terms of joint compromise memo, inadvertently, “dismissed the suit as settled out of Court” instead of “decreeing the suit as settled out of the Court”.

3. The notice was taken to the respondent/defendant. The Court notice was returned unserved as “Vacated” and the post notice was returned as unserved for the reason “left”.



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4. This Court on going through the joint compromise memo of the judgment found that it was the clerical mistake crept into the judgment dated 11.07.2018. Instead of “decreeing” the suit as settled out of Court, it was wrongly typed as “dismissed” as settled out of Court. Therefore, this application is allowed. Accordingly, the judgment and decree is ordered to be corrected as follows:

*“3. In the result, the suit is **decreed** as per the terms of the joint compromise entered into between the plaintiff and the defendant and the joint compromise memo dated 11.07.2018 shall form part and parcel of this decree. The plaintiff is entitled for refund of Court fees as per rules. The parties to the suit shall bear their respective costs.”*

5. The Registry is directed to carry out appropriate amendment in the judgment and decree and issue a fresh order copy.

07.11.2022

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