

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

242

CR No.6122 of 2019

Date of Decision : 29.07.2022

Charanjit Singh

....Petitioner

VERSUS

Rakhi Devi and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Satpreet Grewal, Advocate for the petitioner.

Mr. Karandeep Singh, Advocate for respondent no.4.

ALKA SARIN, J. (Oral)

This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 23.07.2019 vide which the application filed by the petitioner for making correction in the judgment and decree dated 19.02.2015 passed by the Trial Court in Civil Suit No.144/2012 was dismissed.

Learned counsel for the petitioner would contend that the suit was filed for separate possession of land measuring 1 *kanal* 11 *marlas* out of the total land measuring 1 *kanal* 19 *marlas* comprised in *Khewat* No.50/45 *Khatauni* No.67 *Khasra* No.139 (1-19) situated in the area of village Shinh Chathial, H.B. No.451, Tehsil Dasuya, District Hoshiarpur. However, in the judgment and decree dated 19.02.2015 it has inadvertently been mentioned as suit for possession of land measuring 1 *kanal* 11 *marlas* out of total land measuring 1 *kanal* 1 *marla*. Learned counsel for the petitioner would further contend that the same is a typographical mistake which can be corrected under Section 152 of the Code of Civil Procedure, 1908 (for short 'CPC'). It has further been contended that the said application has been dismissed only

on the ground that the Court was not the successor Court of the Court that had passed the judgment and decree.

Per contra learned counsel for respondent no.4 has contended that the said application itself was not maintainable and that the said error is not a typographical error.

In the present case the typographical error is apparent on the face of the record from a bare perusal of the copy of the plaint, which has been annexed as Annexure P-1. Section 152 CPC reads as under :

“152. Amendment of judgments, decrees or orders – Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.”

Section 152 CPC clearly lays down that any clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission can be corrected by the Court.

In view of the above, the present revision petition is allowed. The impugned order dated 23.07.2019 passed by the Trial Court is set aside. The application filed by the petitioner for correction of the judgment and decree dated 19.02.2015 stands allowed. Pending applications, if any, also stand disposed off.

29.07.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO