

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

110

2023:PHHC:101673

**CR-1590-2017(O&M)
Date of decision: 07.08.2023**

MAHANT TARSEM DASS (DECEASED) THROUGH LR ..Petitioner

Versus

DEV RAJ & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.D. Bawa, Advocate
Mr. Randhir Bawa, Advocate
& Mr. Samuel Gill, Advocate
for the petitioner.

Mr. Jagdeep Kumar, Advocate
for respondent No.6.

ANIL KSHETARPAL, J(Oral)

1. The application filed by the petitioner under Section 152/153 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC'), has been dismissed by the trial Court on the ground that the statement of the parties recorded in the Court cannot be permitted to be rectified under Section 152 of CPC.

2. This revision petition has been filed to challenge the correctness of the aforesaid order.

3. On 18.02.2012, the suit was decided on the basis of the settlement between the parties. Inadvertently, there is an insignificant error in the aforesaid statement which does not affect the settlement arrived at between the parties. It is also the case of the petitioner that the trial Court failed to consider the application under Section 153 read with Section 151 of CPC.

4. From the reading of the order, it is evident that the Court only considered the scope of Section 152 of CPC, whereas, Section 153 does

enables the Court to amend the proceedings as well as the judgment and decree.

5. Keeping in view the aforesaid facts, the order dated 18.11.2016, is set aside while requesting the trial Court to decide the application afresh after taking note of the scope of Section 153 read with Section 151 of the CPC.

6. The parties through their learned counsels are directed to appear before the trial Court on 25.08.2023.

7. Disposed of accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.

August 07th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No