

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

133

2023:PHHC:128351

CR-1521-2021

Date of decision: 04.10.2023

HARWINDER KUMAR

..Petitioner

Versus

**BALWINDER KUMAR SHARMA @ BALWINDER
SINGH**

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Munish Kamboj, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The respondent filed a suit for possession claiming that the petitioner (defendant in the suit) is an unauthorized occupant of some part of the property for the last 3 months. The same was decreed on 25.05.2015. It was held that the plaintiff is the owner of the property and therefore, the suit is liable to be decreed.

2. Under issue No.1 and 2, the Court discussed the matter in detail and found that the plaintiff is owner and therefore, is certainly entitled to the possession of the land. However, in the relief clause, the Court directed the defendant to remove the gate shown as mark 'A' and 'B' in the site plan. However, the direction to deliver the possession was somehow not mentioned in the said clause. Subsequently, the application filed by the plaintiff under Section 152 read with Section 151 of the Code of Civil Procedure, 1908, has been allowed by the Court and the plaintiff (respondent) has been held entitled to possession of the property.

3. The correctness of the aforesaid order has been challenged in this revision petition.
4. The learned counsel representing the petitioner contends that the application for amendment could not have been allowed once the suit was decided.
5. This Court has considered the submissions of the learned counsel representing the petitioner.
6. Section 152 of the Code of Civil Procedure, 1908 allows the Court to correct the arithmetical or clerical errors in the judgments passed by the Court even after it has been finally decided.
7. In such circumstances, there is no ground to interfere.
8. Dismissed, accordingly.
9. All the pending miscellaneous applications, if any, are also disposed of.

October 04th, 2023

Ay

(ANIL KSHETARPAL)
JUDGE

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