



C.M.P.No.1655 of 2010 &
C.M.P.Nos.8249 & 8248 of 2023
in O.S.A.No.280 of 1996

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S.S. SUNDAR, J.
and
K. RAJASEKAR, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

This petition is filed to direct amendment of the compromise decree as set out in the schedule to the compromise decree.

2.It is not in dispute that the petitioner has signed the compromise memo, based on which, a compromise decree was passed in the suit filed by respondents 1 to 4. This petition is on the basis of a factual controversy as to the existence of a property which has been allotted to the petitioners who are the defendants 1 and 2 in the suit. Section 152 of Code of Civil Procedure can be applied only when the amendment is in respect of clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission. Since the scope of correction or amendment of decree and judgment is limited



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under Section 152 of CPC, this Court finds no reason to exercise our inherent power. Therefore, this Court is unable to entertain this petition for amendment of compromise decree. This petition is liable to be dismissed.

3.Learned Senior Counsel appearing for the petitioners/appellants submitted that the property which was allotted to the petitioners is not available on ground. However, the learned counsel appearing for the contesting respondents submitted that the property which was originally allotted to the petitioners was encroached by strangers and that the petitioners/appellants have failed to initiate appropriate proceedings against the third party encroachers at the relevant point of time.

4.This Court, in a petition for amendment, cannot go into those factual controversies. Therefore, preserving the petitioner's liberty to challenge the compromise decree in the manner known to law and to seek exclusion of time during which the petitioner prosecuted this petition for amendment before this Court, when a suit or an application is filed to set aside the compromise decree, the amendment petition in C.M.P.No.1655



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of 2010 is dismissed. All the interim orders stand vacated.

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(S.S.S.R., J.) (K.R.S., J.)
30.08.2024

S.S. SUNDAR, J.



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