



**A.No.3837 of 2024 in C.S.No.89 of 2013**

**P.VELMURUGAN, J**

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This is an application filed by the applicants seeking to rectify the clerical error in the decree dated 28.04.2023 in C.S.No.89 of 2013, in so far as the page number 34 Clause (x) is concerned and also to direct the Registry to release the sum of Rs.76,82,853/- along with interest @ 6 percent per annum from 29.04.2023 till the date of disposal of this application.

2. Heard the learned counsel for the applicants and the learned counsel appearing for the second respondent/defendant.

3. This Court, vide judgement dated 28.04.2023 in C.S.No.89 of 2013, indicated that the principal amount of Rs.76,82,853.50 Ps together with accrued interest should be paid to one Mr.K.J.Joseph, who was the applicant in A.No.1675 of 2013. Subsequently, the applicants took out A.No.2013 of 2024 contending that the said Mr.K.J.Joseph died on 11.2.2023 leaving behind the applicants as the legal heirs and it was ordered on 10.4.2024. Now, A.No.3837 of 2024 is taken out by the applicants on the ground that while drafting the decree, in page 34 clause (X), the principal amount has been omitted and that two cheques were issued by the Registry only for a paltry sum of



Rs.48,37,146/-. Hence, seeking to correct the said clerical mistake, the applicants are before this Court.

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4. This is not disputed by the learned counsel appearing for the second respondent/defendant.

5. Hence, this application is partly allowed. Registry is directed to amend the decree in consonance with the operative portion of the judgment dated 28.04.2023 in C.S.No.89 of 2013 and issue a fresh decree copy. After amendment of the decree, Registry is further directed to pay the principal amount to the tune of Rs.76,82,853/- [Rupees Seventy six Lakhs Eighty Two Thousand Eight hundred and Fifty three only] to both the applicants equally. All the other conditions stipulated in the judgment shall remain unaltered.

**30.07.2024**

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