

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

131

CR No.1240 of 2024

Date of Decision : 28.02.2024

Gurcharan Singh

....Petitioner

VERSUS

C.L. Bains (since deceased) through LR's and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A.S. Walia, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order 25.01.2024 whereby application filed by the defendant-petitioner under Section 152 of the Code of Civil Procedure, 1908 in Execution No.1022 of 2018 has been dismissed.

2. The plaintiff-respondents herein filed a suit for recovery of Rs.46,44,245/- i.e. principal amount of Rs.45,42,957/- being arrears of rent and Rs.1,01,288/- as electricity charges together with interest @ 12% per annum from the date of filing of the suit till the date of realization. The Trial Court vide judgment and decree dated 16.04.2018 decreed the suit and held that the plaintiff-respondents were entitled to recover an amount of Rs.43,77,663/- along with interest @ 6% per annum till realization along with electricity bill of Rs.71,498/-. Admittedly, an appeal is pending against said judgment and decree.

3. Learned counsel for the defendant-petitioner has argued that though in para 12 of the judgment passed by the Trial Court it has been noticed that certain payments were made, however, in the conclusion it has been held that payments were not made and therefore the suit was decreed. Learned counsel for the defendant-petitioner has vehemently argued that the same is a typographical mistake.

4. Heard.

5. The argument of learned counsel for the defendant-petitioner that there is a typographical mistake in the judgment and decree cannot be accepted. There is no finding given by the Court, though there may have been observations regarding the statement of accounts and some admission by the parties, however, there is no finding to the effect that any amount was paid by the defendant-petitioner to the plaintiff-respondents. Learned counsel for the defendant-petitioner has been unable to show any finding that an amount of Rs.7,99,909/- was paid by the defendant-petitioner to the plaintiff-respondents.

6. In view of the above, no fault can be found with the order passed by the Trial Court. In any case, as stated by learned counsel for the defendant-petitioner, an appeal is pending. It would be open to the defendant-petitioner to raise all arguments in appeal.

7. The present revision petition stands dismissed in the above terms. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

28.02.2024

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