

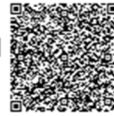
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****CR-5335-2025(O&M)****Date of decision: 11.08.2025****Dinesh Kumar****...Petitioner(s)****Vs.****Ramesh Kumar****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Devender Arya, Advocate
Mr. Gourav Jangra, Advocate
Mr. Amit Jangra, Advocate
for the petitioner.

*********NIDHI GUPTA, J.**

Present Revision Petition has been filed by the judgment debtor seeking setting aside/modification of impugned order dated 27.05.2025 passed by the learned Additional Civil Judge (SD)-cum-SDJM, Mohindergarh, to the extent that the application dated 02.04.2025 moved by the respondent/deGREE holder to make correction in the name of father of the petitioner/judgment debtor in Execution Petition No.100/2023 dated 10.08.2023 titled as "Ramesh Kumar Vs. Dinesh Kumar", has been allowed.

2. Learned counsel for the petitioner inter alia submits that the modification in the decree could not have been permitted vide the impugned order as there is no provision in law that permits the same. It is submitted that as per Sections 152 and 153 of the CPC, only clerical and arithmetical



mistakes and errors arisen from accidental slips or omissions are permitted to be corrected in judgments, decrees and orders. It is submitted that in permitting the said corrections, learned Executing Court has gone beyond the decree. The impugned order reflects lack of judicial mind by the Executing Court as the learned Executing Court has no power to modify the decree dated 18.03.2015. It is accordingly prayed that the impugned order be set aside/modified qua the relief granted to the respondent/ decree holder.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the petitioner.

5. Brief facts of the case are that the respondent/plaintiff had filed a Civil Suit No.263 dated 12.08.2009 for possession by way of specific performance or in the alternative suit for recovery of Rs.7,52,500/-. Vide judgment and decree dated 18.03.2015 (Annexure P1), Suit of plaintiff for specific performance was denied, however, recovery of Rs.7 lakh was allowed with interest @ 6% per annum. The petitioner was further directed to pay decretal amount within two months. The petitioner filed Civil Appeal No.102 dated 13.04.2015 which was also rejected by the learned lower Appellate Court. Thereafter, RSA No.489 dated 21.09.2016 filed by the petitioner against the concurrent judgments and decrees of the learned Courts below, was dismissed by this Court vide order dated 16.05.2023. Thereafter, the respondent had filed Execution Petition No.100 dated 10.08.2023 (Annexure



P2) under Order 21 Rule 11 CPC. In the said Execution Petition, the petitioner was firstly proceeded against ex parte vide order dated 14.11.2024 (Annexure P3). On 02.04.2025, the petitioner moved an application for setting aside the ex parte order. Simultaneously, the respondent also moved an application dated 02.04.2025 (Annexure P5) seeking amendment in the Execution Petition to the limited extent that the name of father of the petitioner had been wrongly mentioned as Ram Chander instead of Ramanand. Vide impugned order dated 27.05.2025, both the applications filed by the respective parties have been allowed by common order.

6. Vide the said impugned order, the petitioner was also granted last opportunity to submit his objections to the Execution Petition. Pursuant thereto, the petitioner has filed Objections dated 01.08.2025 (Annexure P6) to the said Execution Petition. Perusal of the same reveals that the petitioner in Para 3 thereof, has duly taken the objection that his name is mentioned as “Dinesh Kumar son of Ram Chander”; whereas name of the petitioner is “Dinesh Kumar son of Ramanand”. Moreover, it is not denied by the petitioner that he is the judgment debtor with whom the plaintiff/deGREE holder had entered into the Agreement to Sell. Therefore, incorrect mentioning of the name of father of the petitioner in the proceedings below, including the Execution Petition, would be merely a clerical/typographical error, which has been corrected by the Executing Court vide the impugned order. As oft repeated, provisions of law are handmaids in hands of Justice to



effectuate substantive justice between the parties. The same cannot be misused to unnecessarily delay the proceedings. Keeping in view the above-said admitted facts, present petition is **dismissed**.

7. Pending application(s) if any also stand(s) disposed of.

11.08.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No