

ITEM NO.28

COURT NO.12

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).45301/2018

(Arising out of impugned final judgment and order dated 18-04-2018 in OWP No. 140/2016 passed by the High Court of J & K at Jammu)

TARA CHAND & ORS.

Petitioner(s)

VERSUS

KHAIRATI LAL & ORS.

Respondent(s)

(WITH I.R. and IA No.177624/2018-CONDONATION OF DELAY IN FILING)

Date : 03-01-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Prof. Bhim Singh, Sr. Adv.
Mr. Balwant Singh Billowria, Adv.
Mr. Suresh Kumar Sharma, Adv.
Mr. Parveen Kumar, Adv.
Mr. Nithyananda Murthy P., Adv.
Ms. Bhanu Prabha, Adv.
Mr. Umesh Kumar Saw, Adv.
Mr. Vijay Pratap Singh, Adv.
Mr. R.K. Gupta, Adv.
Ms. Shilpa Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Admittedly, the judgment of the Trial Court merged with the ultimate decision of the High Court dated 16 November, 2010 in CSA 85/1981. Hence, the High Court was correct in holding that an application for correction of the decree under Section 152 of the Code of Civil

Procedure, 1908 was required to be moved before the High Court.

We clarify that it would be open to the petitioners to move an appropriate application in accordance with law. However, we express no opinion on the merits of such an application.

The special leave petition stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER