



2026:KER:9100

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 6TH DAY OF FEBRUARY 2026 / 17TH MAGHA, 1947

CRP NO. 800 OF 2001

AGAINST THE ORDER DATED 14.02.2001 IN I.A.NO.182/2000 IN
I.A.NO.1478/77 IN OS NO.70 OF 1974 OF SUB COURT, KASARAGOD

REVISION PETITIONERS/PETITIONERS 1 AND 3 TO 9/DEFENDANTS 4, 8 TO
14) :

- 1 VENKATRAMANA BHAT, S/O.GANAPATHI BHAT
- 2 K.M.SUBRAMANYA BHAT,S/O.GANAPATHI BHAT
- 3 K.M.SRIKRISHNA BHAT, S/O.K.M.KESHAVA BHAT
- 4 K.M.GANAPATHI BHAT, S/O.K.M.KESHAVA BHAT
- 5 K.M.SAKUNTHALA, D/O.K.M.KESHAVA BHAT
- 6 BAGYARATHNA, D/O.K.M.KESHAVA BHAT
- 7 PADMINI, D/O K.M.KESHAVA BHAT
- 8 REVATHI
D/O..K.M.KESHAVA BHAT

THE 1ST REVISION PETITIONER IS RESIDING AT KAJANALA
HOUSE, KALANJE VILLAGE, SULLIA TALUK, POST KALANJI,
D.K. AND REVISION PETITIONERS 2 TO 8 ARE RESIDING AT
MALINJA PANJA, BAYAR VILLAE, POST BAYAR, KASARAGOD
TLAUK.



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BY ADVS.

SRI.V.V.ASOKAN (SR.)

SHRI.K.I.MAYANKUTTY MATHER (SR.)

SMT.UTHARA ASOKAN

RESPONDENTS (RESPONDENTS 1 TO 5, 7, 10 AND 2ND
PETITIONER/PLAINTIFFS AND DEFENDANTS 2, 6, 7) :

- 1 ANANTHA BHAT, S/O.ACHUTHA BHAT
- 2 JAGADEESHA, S/O.ANANTHA BHAT
- 3 SRIDHARA, S/O.ANANTHA BHAT
- 4 PRAKASHA, S/O.ANANTHA BHAT
- 5 RADHAKRISHNA, S/O.ANANTHA BHAT
- 6 MADHAVA BHAT, S/O.ACHUTHA BHAT
- 7 K.M.SUBRAMANYA BHAT
S/O.GANAPATHI BHAT (DIED)
- 8 ISHWARA BHAT (DIED)
S/O.GANAPATHI BHAT

THE RESPONDENTS 1 TO 6 ARE RESIDING AT KARPA IN
BANTWAL TALUK, POST SIDDAKATTA, D.K.AND THE
RESPONDENTS 7 & 8 ARE RESIDING AT KAJANALA HOUSE,
SULLIA TALUK, POST MUDUNGARA D.K

ADDL.R9 KALANIDHI
W/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPP. GOVT. WELL, AGRAHARA, CHANTHARU PO,
BRAHMAVARA, VDUPI TALUK, KARNATAKA STATE

ADDL.R10 JAGADEESHA N.S.
S/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPP. GOVT. WELL, AGRAHARA, CHANTHARU PO,
BRAHMAVARA, VDUPI TALUK, KARNATAKA STATE

ADDL.R11 RAMESH N.S
S/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPP. GOVT. WELL, AGRAHARA, CHANTHARU PO,



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BRAHMAVARA, VDUPI TALUK, KARNATAKA STATE

ADDL.R12 BHARATHI

D/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPP. GOVT. WELL, AGRAHARA, CHANTHARU PO,
BRAHMAVARA, VDUPI TALUK, KARNATAKA STATE.

ADDL RESPONDENTS 9 TO 12 ARE IMPEADED AS LEGAL
RESPRESENTATIVES OF THE DECEASED 7TH RESPONDENT VIDE
ORDER DATED 11.01.2010 IN CMP 5268/02 IN CRP 800/01

ADDL.R13 JYOTHI K.

AGED 25 YEARS

D/O.ISHWARA BHAT AND W/O.SRIKRISHNA BHAT K, RESIDING
AT KELAMBOOR HOUSE, P.O.ISHWARAMANGALA 574313, PUTTU
TALUK, KARNATAKA STATE

ADDL.R14 NAINA U,

AGED 23 YEARS

D/O.ISHWARA BHAT AND W/O.KRISHNA SHARMA, DALAJI HOSUE,
P.O.TELLAR 576 117, KARNATAKA STATE

ADDITINAL RESPONDENTS R13 & R14 ARE IMPEADED AS THE
LEGAL HEIRS OF THE DECEASED 8TH RESPONDENT, ISHWARA
BHAT IN THE CRP 800/2001 AS PER ORDER DATED 12.12.2025
IN IA NO.2713/2014 IN CRP 800/2001.

BY ADV SHRI.K.SHRIHARI RAO

THIS CIVIL REVISION PETITION HAVING COME UP FOR HEARING ON
15.01.2026, ALONG WITH CRP.801/2001, THE COURT ON 06.02.2026
PASSED THE FOLLOWING:



2026:KER:9100

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 6TH DAY OF FEBRUARY 2026 / 17TH MAGHA, 1947

CRP NO. 801 OF 2001

AGAINST THE ORDER DATED 14.02.2001 IN IA NO.183 OF 2000 IN
I.A.NO.1478/1977 IN O.S.NO.70/1974 OF SUB COURT, KOZHIKODE

REVISION PETITIONERS (PETITIONERS 1 AND 3 TO 9/DEFENDANTS 4, 8 TO
14) :

- 1 VENKATARAMABHAT, S/O.GANAPATHI BHAT
- 2 K.M.SUBRAMANYA BHAT, S/O.K.M.KESHAVA BHAT
- 3 K.M.SRIKRISHNA BHAT, S/O.K.M.KESHAVA BHAT
- 4 K.M.GANAPATHI BHAT, S/O.K.M.KESHAVA BHAT
- 5 K.M.SAKUNTHALA, D/O.K.M.KESHAVA BHAT
- 6 BAGYARATHNA, D/O.K.M.KESHAVA BHAT
- 7 PADMINIT, D/O.K.M.KESHAVA BHAT
- 8 REVATHI, D/O.K.M.KESHAVA BHAT

THE 1ST REVISION PETITIONER IS RESIDING AT KAJANALA
HOSUE, KALANJE VILLAGE, SULLIA TALUK, POST KALANJI,
D.K. AND REVISION PETITIONERS 2 TO 8 ARE RESIDING AT
MALINJA PANJA, BAYAR VILLAGE, POST BAYAR, KASARAGOD
TLAUK.



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BY ADVS.

SRI.V.V.ASOKAN (SR.)

SHRI.K.I.MAYANKUTTY MATHER (SR.)

SMT.UTHARA ASOKAN

RESPONDENTS(RESPONDENTS 1 TO 5, 7, 10 AND 2ND
PETITIONER/PLAINTIFFS AND DEFENDANTS 2, 6, 7) :

- 1 ANANTHA BHAT, S/O.ACHUTHA BHAT
- 2 JAGADEESHA, S/O.ANANTHA BHAT
- 3 SRIDHARA, S/O.ANANTHA BHAT
- 4 PRAKASHA, S/O.ANANTHA BHAT
- 5 RADHAKRISHNA, S/O.ANANTHA BHAT
- 6 MADHAVA BHAT,
S/O.ACHUTHA BHAT
- 7 K.M.SUBRAMANYA BHAT, S/O.GANAPATHI BHAT (DIED)
- 8 ISHWARA BHAT
S/O.GANAPATHI BHAT (DIED)

THE RESPONDENTS 1 TO 6 ARE RESIDING AT KARPA IN
BANTWAL TALUK, POST SIDDAKATTA, D.K. AND THE
RESPONDENTS 7 AND 8 ARE RESIDING AT KAJANALA HOUSE,
SULLIA TALUK, POST MUDUNGARA, D.K

ADDL.R9 KALANIDHI
D/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPPOSITE GOVERNMENT WELL, AGRAHARA,
CHANTHARU PO, BRAHMAVARA, UDUPI TALUK, KARNATAKA STATE

ADDL.R10 JAGADEESHA N.S
S/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPPOSITE GOVERNMENT WELL, AGRAHARA,
CHANTHARU PO, BRAHMAVARA, UDUPI TALUK, KARNATAKA STATE

ADDL.R11 RAMESH N.S
S/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPPOSITE GOVERNMENT WELL, AGRAHARA,



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CHANTHARU PO, BRAHMAVARA, UDUPI TALUK, KARNATAKA STATE

ADDL.R12 BHARATHI

D/O.SUBRAMANYA BHAT, RESIDING AT VIGNESH KRIPA HOUSE,
DOOR NO.3-95, OPPOSITE GOVERNMENT WELL, AGRAHARA,
CHANTHARU PO, BRAHMAVARA, UDUPI TALUK, KARNATAKA STATE

ADDL. RESPONDENTS 9 TO 12 ARE IMPEADED AS THE LEGAL
REPRESENTATIVES OF THE DECEASED 7TH RESPONDENT VIDE
ORDER DATED 11.01.2010 IN CMP 5136/02 IN CRP 801/01

ADDL.R13 JYOTHI.K

AGED 25 YEARS

D/O.ISHWARA BHAT AND W/O.SRIKRISHNA BHAT K, RESIDING
AT KELAMBOOR HOSUE, P.O.ISHWARAMANGALA 574 313, PUTTU
TALUK, KARNATAKA STATE

ADDL.R14 NAINA U

AGED 23 YEARS

D/O.ISHWARA BHAT AND W/O.KRISHNA SHARMA DALAJI HOSUE,
P.O.TELLAR 576 117, KARNATAKA STATE

ADDL. RESPONDENTS R13 AND R14 ARE IMPEADED AS THE
LEGAL REPRESENTATIVE OF THE DECEASED 8TH RESPONDENT,
ISHWARA BHAT IN THE CRP 801/2001 AS PER ORDER DATED
12.12.2025 IN IA NO.3071/2014 IN CRP 801/2001

BY ADVS.

SMT.N.SHOBHA

SHRI.K.SHRIHARI RAO

THIS CIVIL REVISION PETITION HAVING COME UP FOR HEARING ON
15.01.2026, ALONG WITH CRP.800/2001, THE COURT ON 06.02.2026
PASSED THE FOLLOWING:



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SATHISH NINAN & P. KRISHNA KUMAR, JJ.

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C.R.P.Nos. 800 & 801 OF 2001

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Dated this the 9th day of February, 2026ORDERP.Krishna Kumar, J.

The revision petitioners are the defendants in a suit for partition. They assail the correctness of an order passed by the learned Sub Judge rejecting two applications filed by them under Sections 151, 152, and 153 of the Code of Civil Procedure, 1908 (the Code) seeking amendment of the final judgment and decree to delete the direction for compounding interest at the rate of 12% on past and future profits.

2. In the preliminary decree, the defendants were directed to pay past and future profits. However, in the final decree, an additional direction was issued entitling the plaintiffs to interest at the rate of 12% per annum on such profits, with the interest calculated for one year being



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added to the principal for the succeeding year. Contending that this direction was impermissible, the revision petitioners filed two applications under Sections 151, 152, and 153 of the Code seeking amendment of the final judgment and decree. The learned Sub Judge dismissed the applications, holding that the impugned clause in the final decree was passed on merits and, therefore, was not amenable to correction under the aforesaid provisions. It was further held that an application under those provisions cannot be used as a substitute for an appeal, revision, or review.

3. When the revision petitions came up for hearing, the learned Single Judge of this Court found that two other Single Benches of this Court had taken divergent views on the scope of the jurisdiction of civil courts under Sections 151 and 152 of the Code. In view of the said conflict, the matters were referred to a Division Bench for authoritative consideration. The learned Single Judge noted that in *Velayudhan Nair v. Kerala K.Y.Kuries (P) Ltd.* (1987 (2) KLT 449), this Court held as follows:



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“Section 151 of the Code can have application only when no other remedy is available according to the existing provision of law. In exercise of the inherent powers, the court cannot override general principles of law.

x x x x x

A party who slept over his rights and allowed a wrong decree to become final by not filing an appeal, revision or review cannot approach the court under S.151 to rectify the wrong on the ground that the case is hard.”

The Court also observed that in *George v. Federal Bank Ltd.*, 2000 (1) KLT 715, a learned Single Judge held that where the plaintiff was legally entitled only to interest at the rate of 11.5% per annum, the award of interest at the rate of 17.25% per annum would seriously prejudice the defendant. It was therefore held that, unless such an order was corrected under Section 152 of the Code, it would result in undue hardship and irreparable injury to the defendant. In the reference order, it was further observed that the learned Single Judge, while rendering the decision in *George v. Federal Bank Ltd.* (supra), had not noticed the earlier decision of this Court in *Velayudhan Nair v. Kerala K.Y. Kuries* (supra).



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4. We have heard Adv.Smt.Uthara Ashokan, the learned counsel appearing for the revision petitioners.

5. As regards the scope of Section 152 of the Code, the legal position is well settled. Section 152 is intended to amend or correct two categories of errors in judgments, decrees, or orders, namely: (a) clerical or arithmetical mistakes, and (b) errors arising from any accidental slip or omission. No elaborate discussion is required to explain what constitutes clerical or arithmetical mistakes. Clerical mistakes are those that occur in the course of typing or writing, while arithmetical mistakes are those that occur in the course of calculation.

6. In respect of the second category, namely errors arising from accidental slips or omissions, the decisive test is whether it is apparent from the record that the court intended to do something, but failed to do so owing to an accidental or inadvertent omission. In other words, Section 152 applies only where the judgment, decree, or order contains or omits something at variance with the true



intention of the court. [See *Jayalakshmi Coelho v. Oswald Joseph Coelho* (AIR 2001 SC 1084)].

7. The Apex Court has clarified in *Jayalakshmi Coelho* that before exercising powers under Section 152 of the Code, the court must be satisfied that the judgment, decree, or order contains or omits something which was intended to be otherwise, or not intended at all; that is to say, while passing the judgment, decree, or order, the court must have had in its mind that the judgment, decree, or order should have been passed in a particular manner, but that intention was not translated into the judgment, decree, or order due to an accidental slip or omission.

8. In *Dwarka Das v. State of Madhya Pradesh and Another* [(1999) 3 SCC 500], the Apex Court held that no court shall, under the cover of the aforesaid provision, modify, alter, or add to the terms of its original judgment, decree, or order anything which has happened, not as to correct any mistake or omission which is intentional. In such cases, the remedy of the party is to prefer an appeal, revision, or review, as the



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case may be. Similar views were expressed in *Master Construction Co. v. State of Orissa* (AIR 1966 SC 1047). In a given case whether Section 152 is attracted or not depends on the facts of that case.

9. In the present case, as rightly contended by the revision petitioners, the award of interest at the rate of 12% per annum on profits was not even sought in the plaint. What was sought in the plaint was only simple interest at the rate of 6%. However, the trial court passed the following direction in its final judgment :

“The plaintiffs are entitled to 3 years past profits and future profits from the date of suit till delivery of possession payable by defendants 3 to 5 at the rates shown in Ext.C1 report with 12% interest per annum. **The interest so calculated for one year will be added to the principal for the next year and so on and so for. This direction is given as the matter was pending so long and the rates calculated by the commissioner were those prevailing at that time.** The properties allotted to defendants 3 to 5 will be a charge for the same.”

(emphasis added)



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From the above, it is beyond dispute that the fixation of interest at the rate of 12% per annum on the principal sum as fixed by the Commissioner, as well as the direction for its yearly compounding, was not the result of any accidental slip or omission. It was intentionally made for reasons recorded in the judgment.

10. In such circumstances, the petitioners were not justified in moving the court to amend the direction in the decree and judgment under Section 152 of the Code. The trial court was, therefore, right in holding that the remedy of the petitioners does not lie under Section 152, as their attempt was to recall the directions issued by the court on merits and that too for reasons recorded in the final judgment.

11. Coming to the question whether there is any conflict between the decisions in *George v. Federal Bank Ltd.* and *Velayudhan Nair v. Kerala K.Y. Kuries (P) Ltd.*, we are of the view that the general observations in *George v. Federal Bank Ltd.*, referred to in the reference order, were made in the context of the peculiar facts of that case. However, we



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clarify that, irrespective of whether an error in the judgment or decree causes serious prejudice to a party, the court can correct such a mistake in exercise of its power under Section 152 of the Code only when the judgment, decree, or order reflects something which was not intended by the Court.

12. The observation in *Velayudhan Nair v. Kerala K.Y. Kuries (P) Ltd.* that Section 151 of the Code applies only where no specific remedy is provided under the law and that, while exercising its inherent powers, the court cannot override or contravene the general principles of law, is indeed correct. At the same time, the provision contained in Section 151 of the Code is distinct from that contained in Section 152. From the plain language of Section 151, it is evident that the civil court is empowered to pass such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court. The powers of the court under Section 151 of the Code are complementary to the powers



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specifically conferred on the court by the Code (*Padam Sen v. State of Uttar Pradesh*, AIR 1961 SC 218).

13. In *Niyamat Ali Molla v. Sonargon Housing Co-operative Society Ltd. and Others* (AIR 2008 SC 225), the Apex Court considered the scope of inherent powers of the Civil Court under Section 151 of the Code in the above context. The Court held as follows:

“19. Code of Civil Procedure recognised the inherent power of the court. It is not only confined to the amendment of the judgment or decree as envisaged under Section 152 of the code but also inherent power in general. **The courts also have duty to see that the records are true and present the correct state of affair.** There cannot, however, be any doubt whatsoever that the court cannot exercise the said jurisdiction so as to review its judgment. It cannot also exercise its jurisdiction when no mistake or slip occurred in the decree or order. **This provision, in our opinion, should, however, not be construed in a pedantic manner. A decree may, therefore, be corrected by the Court both in exercise of its power under Section 152 as also under Section 151 of the Code of Civil Procedure. Such a power of the court is well recognized.**”

(emphasis added)

17. In the light of the above discussion, we are of the view that the general observations made in *George v. Federal Bank Ltd.*, and *Velayudhan Nair v. Kerala K.Y. Kuries (P)*



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Ltd., were rendered in the factual context of the respective cases, and that there is no apparent conflict between the two decisions.

The revision petitions are thus dismissed upholding the impugned orders. The learned Sub Judge is directed to dispose of the matter at the earliest.

Sd/-
SATHISH NINAN

JUDGE

Sd/-
P. KRISHNA KUMAR
JUDGE

SV