

**150. Transfer of business.--**Save as otherwise provided, where the business of any Court, is transferred to any other Court, the Court to which the business is so transferred shall have the same powers and shall perform the same duties as those respectively conferred and imposed by or under this Code upon the Court from which the business was so transferred.

**151. Saving of inherent powers of Court.--**Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

#### COMMENTS

**Inherent powers of Court.** Exercise of such power is subject to three necessary elements, firstly, the Court can exercise its jurisdiction in a manner which is not prohibited by any law, secondly, when there is express provision in Code, the Court cannot exercise this authority to defeat or circumvent such express provision; thirdly, expression "Court" in S. 151, C.P.C. means each Civil Court in which the lis is pending. [PLD 1998 Lah. 474].

**Inherent jurisdiction.** Civil Judge had inherent powers to take notice of subsequent events and no justice to save parties from unnecessary litigation. [2010 CLC 380]

**Provision of CPC. Applicability.** Object of the legislature to decide the election petition as expeditiously as possible is that the elected candidate instead of being entangled in the litigation should be allowed to concentrate on serving his constituency and playing his meaningful and effective role in the legislation. [PLJ 2010 Lahore 22]

Section 151, C.P.C. applies only to the exercise of jurisdiction, where some lis is pending before the Court and does not confer jurisdiction to entertain a matter which was not pending adjudication. [2007 SCMR 351].

**Bar of limitation.** Application made to set aside sale of property confirmed in favour of auction purchaser after twenty-three months of sale as against period of thirty days as provided in law. [2009 CLC 371].

**Power of Civil Court.** Civil Court can make such orders as might be necessary for ends of justice or to prevent the abuse of process of Court. [PLJ 2011 Lahore 829]

**Interlocutory order.** Constitutional petition is not maintainable against interlocutory order. [PLJ 2014 Karachi 293]

**Cancellation of written statement.** Subsequently, an application u/S. 151, CPC was filed by defendant in which she disowned written statement and stated that fraud and misrepresentation had been committed by plaintiff and proceedings with regard to filing of written statement be set aside and be allowed to contest the suit. [PLJ 2013 Lahore 601]

**152. Amendment of judgments, decrees or orders.--**Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.

### COMMENTS

**Correction of decree.** Any clerical or arithmetical omission or error in the order can be corrected by invoking jurisdiction of Court under S. 152, C.P.C. and same cannot be said to be reopening the case. However, specific intent contained in the judgment cannot be corrected. [2009 YLR 373]. Correction of types of error. [PLJ 2014 Islamabad 243]

**Amendment of decree.** A decree can be amended even after attaining finality but due to the error of Court figures of the area not truly the shown. [2004 YLR 1199]. No bar of limitation. [2004 YLR 1199].

**Conflict finding.** Judgment of a Court is to be in accord with the findings and in case of conflict, the same or Appellate Court has jurisdiction under this Section and

even under inherent powers to bring the operative direction of the judgment in accordance with the findings therein. [PLD 2007 S.C. 271].

**153. General power to amend.**--The Court may at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding.

**154. Saving of present right of appeal.**--Nothing in this Code shall affect any present right of appeal which shall have accrued to any party at its commencement.

**155. Amendment of certain Acts.**--The enactments mentioned in the Fourth Schedule are hereby amended to the extent specified in the fourth column thereof.

*156. Rep. by the Second Repealing and Amending Act, 1914 (XVII of 1914), Section 3 and Second Schedule.*

**157. Continuance of orders under repealed enactments.**--Notifications published declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under Act VIII of 1859 or under any Code of Civil Procedure or any Act amending the same or under any other enactment thereby repealed shall, so far as they are consistent with this Code, have the same force and effect as if they had been respectively published, made, appointed, filed, prescribed, framed and conferred under this Code and by the authority empowered thereby in such behalf.

#### COMMENTS

**Scope.** Party cannot assume the role of a Court and if he has chosen to do so, he must himself suffer the unsavory consequences. [2001 SCMR 405].

**First schedule.** Rules framed in the Code are rules for the advancement of justice and such rules should not, as far as possible, be allowed to defeat the ends of justice. [2000 YLR 386].

**158. Reference to Code of Civil Procedure and other repealed enactments.**--In every enactment or notification passed or issued before the commencement of this Code in which reference is made to or to any Chapter or Section of Act VIII of 1859 or any Code of Civil Procedure or any Act amending the same or any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or its corresponding part, order, Section or rule.