

Desh Raj & Ors. vs. State of HP & Ors.

CMP No.9795 of 2026 in
CWP No.4304 of 2021

17.08.2026 Present: Mr. Nitin Thakur, Advocate, for the applicants/petitioners.

Mr. Amandeep Sharma, Additional Advocate General, for the respondents-State.

By way of present application filed under Sections 151 & 152 along with Order 1 Rule 10 of the Code of Civil Procedure, the applicants have prayed to place on record the correct memo of parties since the missing pages, which bears the name of petitioners No.73 to 102 were not filed at the time of filing the petition.

2. It has been averred in the application that though the applicants/petitioners had affixed Court fees with respect to 401 petitioners before this Court along with writ petition, however due to sheer oversight while taking out prints of memo of parties back to back, applicants/petitioners No.73 to 102 have been omitted. In view of the above, a prayer has been made for placing on record the correct memo of parties and for correction in the memo of parties of judgment.

3. The respondents have filed reply to the application and virtually admitted the averments made in the application. It has been averred that so far as the preparation, filing and verification of the pleadings, these

were exclusively within the domain of the petitioners and their learned counsel and the respondents have no knowledge of the alleged omission. However, it has been averred that if this Court upon verification of the judicial record and being satisfied about the genuineness of the alleged omission, considers it appropriate to permit the correct memo of parties to be taken on record, the respondents have no objection, provided such correction is confined only to rectifying an inadvertent clerical or typographical mistake.

4. I have heard the learned counsel for the parties and also perused the record carefully.

5. The record shows that the petitioners at the time of preferring the writ petition had though paid the Court fee of 401 petitioners, but due to clerical omission or fault on the part of the Clerk of the counsel representing the petitioners, the complete memo of parties could not be placed on record, though even the chart depicting the date of joining of petitioners was placed on record as Annexure P-1. It is only some pages in between, which could not be placed on record, which carry names of petitioners No.73 to 102 and even the Registry of this Court could not notice this mistake while checking the petition instituted by the petitioners.

6. Keeping in view the fact that the respondents have also not seriously objected for rectification of the record to the extent that the original petition was instituted by 401 persons and few of the petitioners could not be arrayed, only on account of the fact that some of the typed pages were not placed on record, interest of justice demands that once these persons, who could not be arrayed at the time of institution of the petition had paid the Court fee, be ordered to be impleaded as petitioners No.73 to 102. As such, the applicants-petitioners are ordered to be impleaded as petitioners No.73 to 102 and the Registry is directed to issue a fresh copy of judgment, incorporating the names of petitioners No.73 to 102, as per amended memo of parties appended with the application as Annexure A-2 and the benefit of the judgment rendered by this Court be also extended to these newly added petitioners.

7. Consequently, the present application is allowed and the amended memo of parties, appended with the application is ordered to be taken on record. The benefit of judgment dated 19.12.2025 be extended to applicants/petitioners No.73 to 102, as per corrected memo of parties. The application is accordingly disposed of .

17th August, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge