

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No. 1595 of 2015 (O&M)
Date of decision: 18.12.2015**

Sukhdev Singh

... Petitioner

versus

Lal Singh (deceased) through LR's and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Raman Mohinder Sharma, Advocate for the petitioner.

K.Kannan, J.

The revision petition is against the order dismissing the application for amendment of the decree brought at the instance of one of the plaintiffs. The amendment was sought more than two decades after the decree in view of certain modifications said to have been made in the revenue entries. According to him, he is actually entitled to half share but the revenue entry has been to the effect that he is entitled to 1/4th share.

I have seen through the plaint and the judgment and the decree. It was a case of all the four plaintiffs jointly entitled to the property and the plaint averment itself did not set out the respective shares of the properties. The decree granted was on a joint cause of action that they had held the properties for more than 40 years and had prescribed the title to the property by adverse possession. If the revenue authorities had wrongly construed the decree passed in favour of 4 plaintiffs as meaning entitlement to 1/4th share each, it will be open to the petitioner to apply to the revenue authority for suitable modifications that the rest of the plaintiffs were altogether entitled to half share as a representative share of the father and the petitioner himself is entitled to half share representing his father Inder Sen. If such an application is moved the revenue

authorities will properly consider the same. The remedy adopted by the plaintiff to seek for modification of the decree was justifiably rejected for there is no error to subject the decree and judgment for any modification since there was no error at all in the judgment in the first place.

The civil revision petition is dismissed but with above observations.

(K.KANNAN)
JUDGE

18.12.2015
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