

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

**CR No.3312 of 2015 (O&M)
Date of decision: 21.10.2015**

Smt. Bhagwani Devi alias Bhagwan Devi (deceased)
through LRs & another

... Petitioners

Vs.

Smt. Ram Dulari and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. B.S.Mittal, Advocate
for the petitioners.

Mr. Vishal Sodhi, Advocate
for respondents No.1 to 5.

AMIT RAWAL J. (Oral)

The petitioners are aggrieved against the impugned order dated 10.01.2013 (Annexure P-4), whereby, the application under Sections 152/153 read with Order 6 Rule 17 of CPC, for amendment of plaint and decree, has been declined.

Mr. B.S.Mittal, learned counsel appearing on behalf of the petitioners submits that civil suit bearing No.574-C of 2003 was filed seeking declaration in respect of land measuring 45 kanals 7 marlas, 39 kanals 10 marlas and 64 kanals 18 marlas situated in village

Durjanpur, Tehsil and District Hisar. He further submits that khasra No.47///14/2(2-0) is not owned and possessed by the parties. The suit was decreed vide judgment and decree dated 03.10.2007, on the basis of the compromise. However, realising the aforementioned mistake, the application was moved for correcting the same, which has been declined vide order dated 10.01.2013.

Mr. Vishal Sodhi, learned counsel appearing on behalf of respondents No.1 to 5 submits that even before the trial Court, as well as, before this Court, they did not have any objection, if the aforementioned prayer for amendment is allowed, but the trial Court declined the application on the premise that provisions of Section 152/153 of CPC can be invoked for correcting the clerical mistake.

I have heard learned counsel for the parties and appraised the paper book.

The trial Court, in my view, has not taken a correct view while declining the application, particularly, when the petitioner/plaintiffs had been honest to seek amendment of the plaint and decree, that khasra numbers, aforementioned, be deleted as the same are not owned and possessed by the parties, so that no valuable right of third party is affected.

Keeping in view the aforementioned, the impugned order is set aside and the application seeking amendment in the plaint and decree, is allowed.

The trial Court is directed to issue modified decree.

Civil revision is allowed.

(AMIT RAWAL)
JUDGE

October 21, 2015
savita