

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3896 of 2014 (O&M)
Date of decision: 04.05.2015

Harnek Singh and others

... Petitioners

versus

Gurdeep Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajinder Kumar Singla, Advocate for the petitioners.

Mr. S.S. Bhinder, Advocate for the respondent.

K.Kannan, J.

The plaintiff who has secured the decree for specific performance at the Appellate Court, which judgment had become final upto this Court had moved to the trial Court for the amendment of the name of one of the judgment debtors described as Ajit Singh. The amendment was sought at the stage of execution in view of the report given by the Commissioner appointed by the Executing Court who found that in the revenue records the name of Ajit Singh has been entered as Manjit Singh. The counsel's argument is that when the decree of Lower Appellate Court had merged with the decision of this Court an application for amendment could have been filed only before this Court and not before the Executing Court. It is admitted by the counsel that Ajit Singh is actually Manjit Singh and there is no mistake about the identity. I do not make much of the objections taken about the competence of the Executing Court to correct the name of what is otherwise an admitted fact. However, to set the record straight and to accommodate even an objection taken by the judgment debtor that the amendment could have been made only by this Court, I order the addition of the name as alias instead of substituting the name. This

shall be taken as the order passed by this Court for the first time, keeping in view the objections taken by the judgment debtor that the amendment could have been made only before this Court. The decree shall therefore read the name of Ajit Singh as Ajit Singh @ Manjit Singh and the document, the same shall recite in such a fashion.

I am informed by the counsel appearing for the respondent that sale deed is already registered, but if this order had to be worked, it can be used for any subsequent proceedings or to make good the title in the manner the decree holder wants it to be done.

The civil revision petition is disposed of.

(K.KANNAN)
JUDGE

04.05.2015

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