

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

**Civil Revision No.3919 of 2014 (O&M)
Date of Decision: April 27, 2015**

Baljit Singh and others

.. Petitioners

vs.

Col. Raghbir Singh Shergill and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M.S. Khaira, Senior Advocate with
Mr. R.S. Khaira, Advocate for the petitioners.

Mr. Manmohan Singh, Senior Advocate with
Mr. M.P. Gupta and Raman Sharma, Advocates
for the respondents.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.

Reply filed in the Court today on behalf of the respondents to the civil revision, is taken on record.

Impugned in the present revision is the order dated 09.03.2011 passed by learned District Judge, Rupnagar, vide which a typographical mistake in the order dated 20.04.2010 passed in an application under Order 7, Rule 11 CPC is stated to have been modified to the effect that defence of respondent Nos.6 to 8 is struck off in place of respondent Nos.6 and 8.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The controversy in the present case is very short. Learned District Judge, Rupnagar passed an order dated 20.04.2010 (Annexure P-1) in an application under Section 276 of the Indian Succession Act, 1925 for grant of probate. Vide said order, defence of respondent Nos.6 and 8 was struck off.

It further comes out that the said order was challenged by the said respondents before this Court and this Court vide order dated 06.01.2012 (Annexure P-2) passed in Civil Revision No.5869 of 2010 set aside the said order. However, the impugned order was passed on 09.03.2011, whereby the clerical error was amended to the extent that wherever the words respondent nos.6 and 8 are appearing, the same may be read as respondent Nos.6 to 8. Resultantly, the defence of respondent No.7 also stood struck off along with the defence of respondent nos.6 and 8.

Since, this Court vide order dated 06.01.2012 set aside the said order dated 20.04.2010, therefore, the impugned order has also to be set aside.

Consequently, the present revision petition is allowed and the impugned order dated 09.03.2011 (Annexure P-4) passed by learned District Judge, striking off the defence by making the correction thereof, striking off the defence of respondent no.7 also stands set aside.

April 27, 2015
sarita

(KULDIP SINGH)
JUDGE