

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5264 of 2014 (O/M)
Date of decision : 25.8.2015

Sohan Singh and others

..... Revisionists

Versus

Lakhwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Malkeet Singh, Advocate, for the revisionists.

Mr. Varun Sharma, Advocate, for respondent No. 1.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 24.7.2014 (Annexure-P-2), passed by the learned Additional Civil Judge (Senior Division), Phillaur, vide which the application of the plaintiff for amendment of the plaint to correct the date of sanad takseem (Ex.P5) from 14.3.2003 to 10.4.2003, was dismissed.

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

The case is at the stage of rebuttal. The learned counsel for the revisionists pleads that in the plaint, the date of sanad takseem was wrongly mentioned. The sanad takseem is already exhibited as Ex.P5, from which it is clear that the date is 10.4.2003 and not 14.3.2003, as inadvertently mentioned in the plaint. Since the document is already exhibited, therefore, no prejudice will be caused to the opposite party. The said amendment is necessary for the just decision of the case and is merely to correct the clerical error.

The contention is opposed by the opposite counsel on the ground that the case is at rebuttal stage and that the said fact was within the knowledge of the revisionists.

After considering the facts and circumstances, I am of the view that there is minor correction of clerical error regarding the date. The learned counsel for the revisionists has stated that no fresh evidence is to be led. The correction of the clerical error will be helpful in the just decision of the case. The document (Ex.P5) has already been exhibited. As such the impugned order is set aside. The application for the amendment of the date of the sanad takseem is allowed to be corrected from 14.3.2003 to 10.4.2003. However, none of the parties shall be allowed to lead fresh evidence

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regarding the said correction. Since the amendment application was filed late, the same is allowed, subject to payment of Rs. 2,000/-, to be deposited in the District Legal Aid Fund, Jalandhar. The present revision is accordingly allowed.

(KULDIP SINGH)
JUDGE

25.8.2015
sjks