

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.585 of 2015

Date of decision: January 27, 2015.

JAGDISH

... **Petitioner**

v.

RAM GOPAL & ANR

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Ashok Kumar Khunger, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Counsel for the petitioner, impugning order dated 16.12.2014 whereby application of the plaintiff-petitioner herein for amendment of the affidavit furnished in examination-in-chief has been declined, urges that actually the property in dispute is 34 karams x 16 karams whereas, in the affidavit, it is mentioned as 34'x16' due to typographical error. It is urged that even in the plaint, correct description as 34 karams x 16 karams has been given. It is further stated that cross examination has yet not started. In these circumstances, the lower court should have considered this aspect and should have allowed the typographical mistake to be corrected. Such a strict view by the lower court does not augur well for the administration of justice.

No notice is being issued to the respondents in order to obviate delay, more so when no prejudice is likely to be caused to the respondents in view of the nature of order which this Court proposes to pass.

Having heard Counsel for the petitioner and keeping in view the peculiar facts and circumstances of the case, by setting aside the impugned order, this petition is disposed of with liberty to the petitioner to file a fresh affidavit in examination-in-chief with correct description, however, subject to payment of costs of Rs.10,000/- to be paid to the opposite party.

[Dr. Bharat Bhushan Parsoon]
Judge

January 27, 2015.