

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

IOIN Regular Second Appeal No.20 of 2003 (O&M)

Date of decision: 13.7.2015

Subedar Darshan Singh and others

... Appellants

Versus

Lal Singh and others

... Respondents

II.

Regular Second Appeal No.19 of 2003 (O&M)

Subedar Darshan Singh

... Appellant

Versus

Lal Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the appellant.

Mr.Anupam Bansal, Advocate, Amicus Curiae

Mr.S.S.Swaich, Advocate,
for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

This order will dispose of two appeals, i.e. RSA No.20 of 2003
and 19 of 2003 since the appeals have arisen out of the common judgment.

Mr. Swaich points out to the order dated July, 10, 2003 where it was ordered that RSA No.20 of 2013 was to come up along with RSA No.19 of 2003. Therefore, both the appeals are heard and disposed of together.

No one appears for the appellant. Mr.Anupam Bansal, Advocate is appointed as amicus curiae to assist the Court.

Heard Mr. Anupam Bansal and Mr. Swaich.

The only argument raised in this appeal is whether the courts below were correct in allowing correction in the sale deed dated 20th February, 1962 where a mistake had crept in with respect to the khasra number recorded therein. In the registered sale deed, a typing mistake had occurred which mentioned khasra No.376 whereas it was khasra # 276 and this was allowed to be corrected in the suit being a bona fide typographical error.

The correction of the khasra number in the sale deed, however, resulted in further complications as in the meanwhile, the property had been sold off to third parties vide a new sale deed dated 11th May, 1973. That is what brought the vendees of the subsequent sale deed to civil court in a separate suit for declaration etc. to urge that the corrections ordered in the first sale deed was not proper. Both the suits, that is, the present one and the one filed by subsequent vendees, were consolidated by court order. The respondent's suit has been decreed by ordering correction in the sale deed while the suit of the third party-subsequent purchaser/vendees has been dismissed.

Mr. Swaich submits that the court has exercised limited jurisdiction of rectification of a sale deed to bring it in consonance with the

revenue record pertaining to the vendors and the rights of the vendor which were parted away to the vendees in the first sale deed.

Mr. Bansal submits that the suit filed by respondents is barred by limitation. I am unable to subscribe to this argument since there are no limitations prescribed in correcting orders, documents, sale deeds etc. to bring them in tune with and conform to the ground realities. As a matter of fact and prudence correcting mere errors of the kind witnessed in this cases is the duty of the court to keep public and judicial record pure and unimpeachable so that unnecessary litigation does not fester. When the mistake is corrected all the natural consequences would follow suit.

Moreover, there are no limitations provided in law in correctional and rectification jurisdiction except to recognize that limitation at least would run from the date when the mistake comes to the knowledge of the party affected and injured by the oversight or unintended mistake when it becomes oppressive to their settled rights in transfer of property. The finding of the courts below is that the suit was filed within 3 years of the date of knowledge and is, therefore, within limitation. I have no reason to differ on point of fact with the view expressed and would not think that interference is at all warranted and much less in second appeal.

For the foregoing reasons, the appeal is dismissed as not giving rise to a question of law much less a substantial one and no interference is called for in the judgment and decree in appeal. Since the fate of both the appeals is clubbed, the accompanying appeal though not listed today involving same issue filed by another subsequent vendee placed in the same position as the other with respect to the property in dispute is taken on board

and stands dismissed for the identical reasons.

(RAJIV NARAIN RAINA)
JUDGE

July 13, 2015
Paritosh Kumar