

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

**CWP No.13732 of 2015
Date of decision: 31.07.2015**

Dr. D.B.Lal

... Petitioner

Vs.

The Commissioner under the Employees Compensation Act, 1923
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Deepender Singh, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the order dated 17.03.2015, whereby, the application for amendment of memo of parties, on account of typographical error, as the name of the respondent therein was written as Dr. V.B.Lal, instead of Dr. D.B.Lal, has been allowed.

Mr. Deepender Singh, learned counsel appearing on behalf of the petitioner submits that claim of the petitioner in the name of dead person is not maintainable under the Employees Compensation Act, 1923. In support of his submission, relied upon the judgment of Hon'ble Jammu and Kashmir High Court in Ali Mohd.

Khan vs. Vijay Tulsi **1986 AIR (J&K) 26** and judgment of Hon'ble Orissa High Court in Cuttack Municipality vs. Shyamsunder Behera **1977 AIR (Orissa) 137**.

Both the aforementioned judgments (supra) dealt with the application filed under Order 22 Rule 4 of the Code of Civil Procedure for bringing on record the LRs of the deceased, as the cases were filed against the dead persons. However, in the instant case, no such prayer has been made and only prayer with regard to quashing of an order whereby typographical error has been rectified. Since the petitioner did not move any application under Order 22 Rule 4 of the Code of Civil Procedure, but has sought amendment of memo of parties only, therefore, there is stark difference in the *ratio decidendi* in the impugned order and the challenge made in aforementioned judgments (supra) and thus, impugned order is totally alien.

There is no illegality and perversity, in the impugned order, therefore, I find no merit in the present writ petition and the same is hereby dismissed.

(AMIT RAWAL)
JUDGE

July 31, 2015
savita