

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

C.M. NO.8805 CII OF 2016 &

C. R. NO.2967 OF 2016

DATE OF DECISION: JUNE 01, 2016

Smt.Mahinder Kaur

.....Petitioner

VERSUS

Raj Kumar Babbar and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Rajiv Kataria, Advocate,
for the petitioner.**

None for respondent No.1.

Respondent No.2 in person.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Case has been called twice.

**Despite service, none puts in appearance on behalf of
respondent No.1. Proceeded against ex-parte.**

**Challenge in this revision petition is to the order dated
21.01.2016 passed by Civil Judge (Junior Division), Chandigarh, vide
which the application for rectification of a typographical error in the cross-
examination of the petitioner as recorded by Local Commissioner
(respondent No.2) has been dismissed by the Court on the ground that the**

Local Commissioner has written the cross-examination in the presence of

both the counsel and no such rectification, as alleged by the counsel for the petitioner, can be allowed as the Court cannot say as to what was said by the witness at the time of recording of the cross-examination.

It is the contention of learned counsel for the petitioner that it is an inadvertent writing/typing error, which has crept in while recording the cross-examination of the petitioner by the Local Commissioner. He submits that the said rectification is essential as it would adversely affect the interest of the petitioner.

Despite service none has put in appearance on behalf of respondent No.1.

Mr. Ajay Mehra, Advocate, (Local Commissioner), District Court, Sector 43, Chandigarh (respondent No.2) has come present in person in Court and admits that indeed there is a typographical error, which has crept in while recording the cross-examination of the petitioner and she had stated as under:-

“It is incorrect to suggest that I do not require the demised premises for the necessity of my daughter-in-law.”

In the cross-examination, however, it was recorded as under:-

“It is incorrect to suggest that I require the demised premises for the necessity of my daughter-in-law.”

In view of the statement made by the Local Commissioner (respondent No.2) in Court today, the present revision petition is allowed. The impugned order dated 21.01.2016 passed by the Rent Controller, Chandigarh, is hereby set-aside. Correction, as prayed for, in the cross-examination of the petitioner is allowed and in the cross-examination in the 3rd line of second last paragraph in the report of the Local Commissioner

instead of “*It is incorrect to suggest that I require the demised premises for the necessity of my daughter-in-law*”, the same shall now be read as “*It is incorrect to suggest that I do not require the demised premises for the necessity of my daughter-in-law.*”

**June 01, 2016
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**