

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 2783 of 2014 (O&M)

Date of decision: January 28,2016

Karambir Singh

.....Petitioner

VS.

Municipal Corporation, Gurgaon and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE K.KANNAN

Present: Mr. N.D.Achint, Advocate
for the petitioner.

Mr. Arvind Seth, Advocate
for respondent No.1.

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

K.KANNAN,J (Oral)

1. The revision is brought by the petitioner who wants the khasra number to be given in the rough plan prepared through a draftsman. The plaint makes reference to the property East of the suit property as in khasra Nos. 311 and 313. In the plan, there is no reference to 311 and 313 and he has, therefore, sought for making reference to property 311 and 313 in the rough plan.

2. The objection taken is that in a previous proceeding the plaintiff had not made any reference to the property 311 and 313 as situated in the East and after withdrawing the appeal he is trying to fill up a lacuna.

3. In my view, a needless mountain out of a molehill is sought to be made out of what would seem to be an insignificant amendment. A rough plan filed is a manner of making evident in a graphic form of what the plaintiff wants to convey through alphabets and words. The authenticity of the rough plan and what it depicts must be supported by appropriate evidence and it cannot itself constitute a proof of what it contains. If in such a graphic representation, which the plaintiff wanted to make, he had no omitted reference to the property of the East as 311 and 313 but in the plaint, however, the said khasra numbers are referred to as the property in the East, there ought not to be any objection for allowing the plaintiff to bring the rough plan in conformity to what is stated in the plaint. Normally it is the plan that explains the plaint in an easier form. It is ironic in this case that the plan omits to state what the plaint states and has created a cause for confusion. No prejudice could be caused by allowing the reference khasra Nos. 311 and 313 in the plan as produced, for, the proof of the correctness will not depend on what is drawn in the plan but what is proved through independent evidence.

2. At this stage, the counsel for the respondent argues that there is no prayer to quash the impugned order in revision petition. The revision petition cannot be declined at the altar of technicality and I take it as revision constituting a challenge to the order and allow the revision petition.

3. With the above clarification and modification, the revision is allowed.

JANUARY 28, 2016

Rajeev

(K.KANNAN)
JUDGE