

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

:-

C.R No. 3127 of 2014 (O&M)

Date of Decision: January 18, 2016.

Bhateri & Ors.

..... Petitioners

Versus

Baljit & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr. Munfarid Khan, Advocate, for
Mr. Amit Kumar Jain, Advocate, for the petitioners.

:-

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.KANNAN J

In a suit filed in the year 1980, the present petitioner as a plaintiff has obtained a decree with reference to rectangle No. 105, Killa No. 5 of 8 Kanals. This, according to the plaintiff, is a mistake for rectangle No.106 and he wanted amendment in merely the decree, but also the plaintiff through an application filed in the year 2011 i.e. after 31 years. The respondent has obtained a decree already with reference to rectangle No.105, Killa No.5 to an extent of 8 Kanals through a suit instituted in the year 1976, i.e. with reference to very same rectangle number and the killa number as given in the plaint by the plaintiff and the decree obtained in the year 1980. While normally there is no period of limitation of amendment of clerical mistake, if the amendment sought is resisted by reference a decree which contains the very same rectangle number and killa number, the proper remedy for the petitioner shall be only to file his own independent suit for a

property which claims right to the property in rectangle No.106 killa No.5 of an extent of 8 kanals and he could not bring an amendment said to be a clerical mistake. It requires an adjudication on title of the property in rectangle No. 106 and the issue of whether the respondents who have already obtained a decree in respect of rectangle No.105 could in any way be affected by an amendment brought by the plaintiff will deflect the whole area of controversy of the so called clerical mistake to be involved in trial of decision of the property in rectangle No.106 which shall be impermissible.

There is no ground for interference. Revision petition is dismissed.

January 18, 2016
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(K.KANNAN)
JUDGE