

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

**CR No. 477 of 2016(O&M)
Date of decision :04.05.2016**

Nafe Singh

..... Petitioner

Versus

Chattar Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Alankrit Bharadwaj, Advocate
for the petitioner.

Mr. Shilak Ram Hooda, Advocate
for respondent no.1.

Mr. Rahul Makkar, Advocate
for respondents no.2 and 3.

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

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 07.01.2016 passed by the learned Civil Judge (Junior Division), Rohtak, vide which the application moved by the petitioner for amendment of the plaint has been dismissed.

2. Learned counsel for the petitioner contended that due to typographical mistake, the khatoni number of the suit

land was wrongly typed as 3740/3618 instead of 3741/3619. Similarly, in para no. 4 of the plaint, khatoni no. 3740/3678 has been typed instead of 3740/3618. He contended that it is only a typographical mistake, which required to be corrected by way of amendment. He further contended that if the amendment is allowed, the plaintiff will not lead any fresh evidence.

3. On the other hand, learned counsel for the respondents contended that the present application has been moved only to fill up the lacuna. The case is at the final stage and is fixed for rebuttal evidence. Thus, they pleaded that there is no illegality in the impugned order.

4. I have duly considered the aforesaid contentions.

5. The law regarding amendment of pleadings is quite liberal. If the amendment sought is essential to determine the real question in controversy between the parties, such amendment is required to be allowed. The power to grant amendment to the pleadings is intended to serve the needs of justice and is not to be governed by any narrow and technical limitations. The Hon'ble Apex Court in case **Mahila Ramkali Devi and others Vs. Nandram (D) Thr. LRs and others 2015 (5) R.C.R (Civil) 562** has laid down that the rule of procedure are intended to be handmaid to the administration of justice. A party cannot be refused just relief merely because of some mistake, negligence, inadvertence or even infraction of rule of

procedure.

6. In the instant case, the plaintiff-petitioner is only seeking the correction of khatoni number in the plaint by way of amendment on the ground that the wrong khatoni number of the suit land was mentioned due to inadvertent mistake. Admittedly, this amendment is minor in nature and will not change the nature of the case. Learned counsel for the petitioner has stated that if the amendment is allowed, no fresh evidence will be produced, which shows that the plaintiff-petitioner has no intention to delay the proceedings of the case. The proposed amendment i.e. the correction of the khatoni number of the land in dispute is also essential to determine the real question in controversy between the parties.

7. Thus, keeping in view my aforesaid discussion, the present revision petition is hereby allowed and the impugned order dated 07.01.2016 is hereby set aside. The application moved by the plaintiff-petitioner for amendment of the plaint stands allowed subject to payment of Rs. 5000/- as costs.

04.05.2016

S.khan

(DARSHAN SINGH)
JUDGE