

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6009 of 2013 (O&M)
Date of decision : April 22, 2016

Gurvinder Pal Singh

..... Petitioner

Versus

Bhagwant Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order whereby application for amendment of the plaint has been allowed.

Learned counsel appearing on behalf of the petitioner submits that application for amendment was filed after petitioner, raised objections regarding the date in the written statement i.e. 10.11.2011 instead of 11.11.2011. The change of date was a typographical error but an act of changing nature of the suit, therefore, the valuable right has accrued in favour of the petitioner-defendant, whereas, on the contrary stand of the respondent-plaintiff had been that it was a typographical error as the stipulated date for agreement to sell was 10.11.2011. Since 10.11.2011 was a holiday, the plaintiff appeared before the Sub Registrar on 11.11.2011. Due to

typographical error in 6th and 14th line in paragraph 4 and 9th line of paragraph 8 of the plaint, the date 10.11.2011 has been wrongly typed in place of 11.11.2011 and sought the following correction:-

“a) In 5th line of para No.4 of the plaint after the word, “Sale deed” the word “it was holiday on 10.11.2011’ be added.

b) In line 6th and 14th of para no.4 of the plaint figure ‘10.11.2011’ be replaced by figure “11.11.2011”.

c) In 9th line of para no.8 of the plaint, the figure ‘10.11.2011’ be replaced with figure “11.11.2011”.

I have appraised the paper book and of the view that the amendment sought is most innocuous and do not tantamount to change or altering the nature of the suit. The petitioner-defendant will have right to rebut the same by leading direct and cogent evidence, more over by filing amended written statement. The agreement to sell dated 10.1.2011 has been admitted. Rightly so, the trial court allowed the application.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

April 22 , 2016
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