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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 756/2014 & C.M. No.13240/2014

SMT. HARBANT KAUR

..... Petitioner

Through Mr. Arjun Singh Bawa, Adv.

versus

SHRI KRISHAN KUMAR & ORS

..... Respondents

Through None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.03.2016

The petitioner is aggrieved by the order dated 08.05.2012 wherein his application under Section 152 read with Section 153 of the CPC seeking a modification of the judgment and decree dated 17.07.2009 was dismissed. Contention of the decree holder is that the suit property has wrongly been mentioned as bearing khasra No.619/2. The khasra number is actually 619/21. This is a typographical error. Submission is that all the documents which the decree holder has filed in support of the claim which include his agreement to sell, the general power of attorney, Will, receipt, all make a reference to the property as property No. 619/21; it was only due to inadvertence that the plaint had mentioned the khasra No. 619/2 and this being an error/omission on the part of the decree holder, the application seeking a prayer that this omission be corrected was wrongly declined.

This submission of the learned counsel for the petitioner appears to

be correct. Record shows that the agreement to sell dated 07.09.2006, general power of attorney, Will and receipt all of the same date make a reference to the property being a part of khasra No. 619/21. This being the position, it is clear that this as an advertent mistake and as such this Court has ample power to correct it under Section 152 read with Section 153 of the CPC.

Accordingly, the impugned order is set aside. The correction in the judgment and decree dated 17.07.2009 be made and the property be read as part of khasra No. 619/21. Petition disposed of.

INDERMEET KAUR, J

MARCH 22, 2016

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