

Civil Revision No.2725 of 2017 (O&M)

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

Sr. No.125

**Civil Revision No.2725 of 2017 (O&M)
DECIDED ON: April 20, 2017**

CHARANJIT SINGH

..PETITIONER

VERSUS

HARJIT SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Rang, Advocate,
for the petitioner.

JASPAL SINGH, J.

CM No.8386-CII of 2017

Application is allowed as prayed for.

CR No.2725 of 2017

Through the instant revision petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside of impugned order dated March 30, 2017 passed by learned Civil Judge (Jr. Divn.), S.A.S. Nagar (Mohali), whereby an application dated October 04,

2016 seeking permission to correct a typographical error in the affidavit has been allowed.

2. Assailing the impugned order dated March 30, 2017, it has been argued with vehemence by the learned counsel for the petitioner that there is no provision in the Code of Civil Procedure for the correction or amendment of an affidavit filed under Order XVIII Rule 4 CPC which is to serve as the examination-in-chief. Through the impugned order in fact the respondent/plaintiff has been allowed to withdraw his unequivocal admission which would cause a great prejudice to the petitioner/defendant. Since, the impugned order is against the provisions and is likely to greatly prejudice the case of the petitioner/defendant, the same is liable to be set aside and being unsustainable in the eyes of law.

3. This court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner but finds the same to be without any legal weight.

4. Undoubtedly, affidavit has been filed under Order XVIII Rule 4 CPC which is to serve as the examination-in-chief of the respondent/plaintiff. It appears that due to some inadvertence or oversight in para No.16 the word “no” has appeared due to some typographical mistake or error which has been allowed to be deleted from para No.16 of the affidavit. Moreover, contents of the plaint as well as affidavit are to be taken into consideration as a whole and the affidavit cannot be read in isolation of the plaint. The affidavit is nothing but reproduction of the contents of the plaint which reiterates the claim of the plaintiff. If due to some inadvertence, oversight or typographical mistake, word “no” has

appeared in para No.16 of the affidavit, there is nothing detrimental to the case of the petitioner/defendant, in case, the deletion thereof is allowed. Thus, this Court does not find any infirmity or illegality in the impugned order and the same is held to be absolutely in consonance with the legal proposition of law. Since there is no merit in the instant petition. As such, it stands dismissed.

5. No order as to costs.

April 20, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No