

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

**CR No.7112 of 2017 (O&M)
Date of decision: 12.10.2017**

Sanjay Kumar Jhamb

... Petitioner

Vs.

Vidya Sagar Kakkar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Adarsh Jain, Advocate and
Ms. Kamaldeep Kaur, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 24.08.2017, whereby a clerical mistake in getting the name of plaintiff No.1 Vidya Sagar Kakkar as scribe of the Will dated 13.10.2013 was ordered to be corrected, by allowing the application of the plaintiff, defendant No.1 has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that the only correction sought was that instead of plaintiff No.1 Vidya Sagar Kakkar, it ought to have been Sham Kakkar-plaintiff No.3, who scribed the Will dated

13.10.2013. Allowing correction of such an inadvertent and typing mistake would not cause any kind of prejudice to the defendant-petitioner. Further, once the Will dated 13.10.2013 has already been exhibited on record as Ex.P1, the document will remain the same and petitioner-defendant shall not be taken by surprise. It would hardly make any difference, whether plaintiff No.1 or plaintiff No.3 was scribe of this Will Ex.P1. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

So far as the other objections of the petitioner-defendant, including the one regarding evidentiary value of the statements suffered by PW1 and Smt. Laxmi Bai are concerned, it will always be available to the petitioner. As far as the impugned order is concerned, no fault can be found with the same and it deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order passed by the learned trial Court has been found based on sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having

been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

12.10.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No