

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

**281**

**CR-903-2016 (O&M)**  
**Date of decision: 02.08.2017**

**JAGJIT SINGH**

...Petitioner

Versus

**NIRMAL SINGH & ANR**

...Respondents

**CORAM: HON'BLE MR. RAMESHWAR SINGH MALIK**

Present: Mr. Narinder S. Dadwal, Advocate for the petitioner.

Mr. Vipul Jindal, Advocate for the respondents.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Present revision petition, at the hands of the plaintiff, filed under Article 227 of the Constitution of India, is directed against the order dated 30.01.2016 passed by the learned trial Court, whereby application for correction of Khasra number, moved on behalf of the plaintiff was dismissed.

Notice of motion was issued.

Heard the learned counsel for the parties.

During the hearing, when the learned counsel for the respondents was confronted with the fact, whether respondents were owners of both these Khasra numbers namely 1738/1032 and 1788/1032, he fairly conceded that the defendants/respondents were not owners of khasra No.1788/1032. This being the undisputed fact situation, the learned trial Court ought to have accepted the application moved by the plaintiff because the mistake sought to be corrected was an inadvertent and bonafide mistake.

Further, defendants/respondents were not going to suffer any

defendants/respondents being owners of both the above said khasra numbers, position might have been different. It is also true that by carrying out the abovesaid correction in the khasra numbers, the defendants/respondents were not going to be taken by surprise, because it was a fact which was already known to them. However, since the learned trial Court failed to appreciate this crucial aspect of the matter, while passing the impugned order, it cannot be sustained.

During the course of hearing, learned counsel for the respondents could not raise any meaningful argument in support of the impugned order which may justify passing of the impugned order.

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 the impugned order has been found suffering from patent illegality, it cannot be sustained. Accordingly order dated 30.01.2016 passed by the learned trial Court is hereby set aside. However, should there be any confusion in this regard, it is made clear that defendants/respondents would be at liberty to raise all possible objections and pleas available to them, at the appropriate stage.

Resultantly, with the abovesaid observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

**02.08.2017**  
*Jyoti-IV/ashok*

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

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|----------------------------|-----|----|
| Whether speaking/reasoned: | Yes | No |
| Whether Reportable:        | Yes | No |