

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

**Civil Revision No.1860 of 2011 (O&M)
Date of Decision: 26.09.2018**

**Sampuran Singh (deceased) through LRs
.....Petitioner
Vs**

**Satbir Singh and others
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Mandeep S. Sachdev Advocate
for the petitioner.

Mr. Aditya Dassaur, Advocate
for the respondents.

RAJ MOHAN SINGH, J.

[1]. In this revision petition, petitioners i.e. legal representatives of Sampuran Singh have assailed the order dated 05.03.2011 passed by the Civil Judge (Jr. Divn.) Jalandhar vide which the application filed by the respondents for amendment of the plaint and judgment and decree dated 25.03.2006 was allowed.

[2]. Vide judgment of even date, connected appeal preferred by the petitioners i.e. ***RSA No.4474 of 2013 (O&M)*** titled '***Jagjit Singh and others vs. Satbir Singh and others,*** has been dismissed.

[3]. Typographical error in the plaint mentioning the khasra number was sought to be rectified in the plaint as well as in the judgment and decree. The plaintiff cannot be denied fruits of decree passed by the trial Court which has been upheld upto this Court in the aforesaid RSA. The error arising out of accidental slip of omission can be rectified in terms of Section 152 CPC.

[4]. During course of trial of the case, the decree-holder has proved the original agreement to sell and revenue record on the basis of which the agreement to sell was executed. Though the *khasra* numbers were not carefully mentioned in the plaint, but the agreement to sell was an admitted document between the parties. Factum of decree granted by the Courts below while decreeing the suit, dismissing the appeal by the lower Appellate Court cannot be disputed by the petitioners. The judgment and decree passed by the trial Court was in consonance with the agreement to sell. If the plaint involved some omission, the same can be rectified just to advance the real spirit of the *lis* between the parties on all equitable legal considerations.

[5]. The suit was decreed by the trial Court and appeal was dismissed by the lower Appellate Court. While considering the issue on merit, this Court also dismissed the connected appeal i.e. RSA No.4474 of 2013 (O&M) vide the judgment and decree

of even date.

[6]. In view of facts and circumstances of the case, I deem it appropriate not to interfere in the indulgence granted by the trial Court vide the impugned order dated 05.03.2011 passed by the Civil Judge (Jr. Divn.) vide which Reader was directed to correct khasra numbers in the judgment and decree with noting to incorporate khasra numbers mentioned in the amended plaint.

[7]. For the reasons recorded above, this revision petition is accordingly dismissed.

September 26, 2018

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No