

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

**CR No. 3845 of 2018
Date of decision: 01.6.2018**

Joginder Singh and another

... Petitioners

Versus

Sardar Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ajay Kamboj, Advocate
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners are aggrieved by an order dated 1.5.2018, passed by the Additional District Judge, Sirsa, vide which the application moved by the respondent-plaintiffs, seeking correction in the array of parties in the appeal, has since been allowed.

Before I proceed further, it, indeed, would be essential to refer to the conclusion recorded by the court, which reads, thus:-

“Heard. It is submitted by learned counsel for the appellant that inadvertently father’s name and address of respondents No.1 and 2 was wrongly mentioned in memorandum of appeal. But despite this wrong submission of parentage and address, the right persons came forward to contest the present appeal. Thus, by the present application, future complications are tried to remove by the appellant. There is no substance in the submission of respondent with malafide and dishonest intention, the appellant intentionally gave wrong description of respondent No.1 and 2. Moreover, no prejudice shall be caused upon the respondent in case the present application is allowed. On

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the other hand, in case the present appeal is heard with wrong description, it would lead multiplicity of litigation. Moreover, it is always better and in the interest of justice that a matter should be decided on its merits rather it be thrown out on technicalities....”

Concededly, in the suit filed by the respondent-plaintiffs, the petitioners were reflected as sons of Balwinder Singh son of Basant Singh, residents of Village Sant Nagar, Tehsil Rania, District Sirsa, now residing at village Naiwala, Tehsil Rania, District Sirsa. However, the said suit was dismissed by the trial court, vide judgment and decree dated 20.8.2015. In the appeal filed against the said decree, in the array of parties, the petitioners were depicted as sons of Malook Singh son of Fauja Singh, resident of Village Naiwala, Tehsil Rania, District Sirsa. Apparently, the mistake that had crept in was owing to an accidental error, for Malook Singh, son of Fauja Singh, happened to be the father of the respondent-plaintiffs. Thus, the court could always rectify the said mistake. No prejudice is shown to have been caused to the petitioners.

In conspectus of the above, no ground is made out to interfere in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition is accordingly dismissed.

01.6.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether speaking / reasoned:	YES
Whether Reportable:	NO