

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

103

CR No. 6523 of 2017(O&M)**Date of Decision: July 30, 2018**

Baljinder Singh

...Petitioner

Versus

Gurdev Singh and others

...Respondents

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

Present:-Mr. J.S. Mundi, Advocate
for the petitioner.

Mr. Anil Kumar Garg, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1] Petitioner has preferred this revision petition against the order dated 02.08.2017 passed by Additional Civil Judge (Sr. Division), Payal, whereby the application under Order 6 Rule 17 read with Section 151 CPC was dismissed.

[2] The application in question was filed for amendment of the application under Order 9 Rule 13 CPC seeking to correct the date of order as 04.06.2009 in place of 12.11.2011. *Ex parte* judgment and decree was passed on 04.06.2009 but inadvertently in prayer clause attached to para No.7, date of the *ex parte* judgment and decree was mentioned as 12.11.2011. The amendment was sought precisely for correction of aforesaid typographical error and also to mention judgment and decree in

place of order. The prayer was rejected by the trial Court primarily on the ground that the correction is not covered under the scope of Order 6 Rule 17 CPC.

[3] I have heard learned counsel for both the parties.

[4] The error crept in the prayer clause of the application wherein 12.11.2011 was mentioned in place of 04.06.2009 and in addition to that judgment and decree was to be shown in place of order. On both counts, the proposed amendment revolves for correcting a typographical error. The application under Order 9 Rule 13 CPC is at the initial stage. Hyper-technical approach of the present kind can be interfered with while exercising the power under Article 227 of the Constitution of India.

[5] In view of above, this revision petition is allowed. The impugned order is set aside, however, subject to payment of cost of ₹5,000/- to be paid to respondent No.1. Payment of cost shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

July 30, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No