

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

**C.R. No.7085 of 2016 (O&M)
Date of Decision.13.11.2018**

Manohar LalPetitioner
Vs
Atma Singh and another ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. Hitesh Ghai, Advocate
for the respondents.

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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff is aggrieved of the order dated 23.08.2016 whereby the application under Order 6 Rule 17 CPC for correction of typographical error in the head note of the suit has been dismissed.

The petitioner-plaintiff submitted the aforementioned application for correction of khasra numbers in the head note of the plaint, which have inadvertently been mentioned Khasra No.707/4 (0-3) instead of khasra No.707/1(0-18). However, the court dismissed the same on the premise that it is an attempt to change the ambit of the property in dispute and to fill up the lacuna in the pleadings.

Mr. A.P. Kaushal, learned counsel appearing on behalf of the petitioner submits that the correction sought to be carried out is merely typographical error which does not tantamount to changing the nature and ambit of the suit. No harm or prejudice would be caused to the respondent-defendant as they would have ample opportunity to rebut the same. Moreover, it would help the court for proper adjudication of the *lis*.

On the contrary, Mr. Hitesh Ghai, learned counsel appearing for the respondents opposed the amendment sought to be carried out, as the plaintiff under the garb of amendment wants to change the ambit of the suit property, which would prejudice the rights accrued in favour of the defendants. The trial is at evidence stage after remand from the lower Appellate Court, therefore, the amendment application at this stage has rightly been dismissed.

I have heard learned counsel for the parties, appraised the paper book and of the view that amendment sought to be carried out is merely mentioning of correct khasra numbers, which have inadvertently been typed wrongly. In my view, such kind of amendment, if allowed, would not cause any harm or prejudice to the defendants as they would have opportunity to rebut the same. It would also help the trial Court for proper adjudication of the *lis* and to go to the root of the controversy.

In view of the aforementioned observations, I deem it appropriate to allow the amendment sought by the petitioner-plaintiff, subject to the payment of costs of ₹10,000/- which shall be condition precedent. If the costs is not paid as directed, the order passed already by the court below shall stand restored.

The impugned order is set aside and the revision petition is allowed.

(AMIT RAWAL)
JUDGE

November 13, 2018
Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No