

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

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**Civil Revision No.5107 of 2017 (O&M)
Date of decision : 11.02.2019**

Jai Singh

...Petitioner

Versus

Rishi Raj and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. P.R. Yadav, Advocate for the petitioner.

Mr. Arvind Kumar Yadav, Advocate for respondent No.2.

ANIL KSHETARPAL, J.(oral)

Auction purchaser is in revision petition against order dated 18.01.2017 (Annexure P-7) passed by learned Court, refusing to correct error.

Het Ram was a judgment debtor. He was a co-sharer in land measuring 3 marla situated in Khewat No. 101, Khatoni No.135 Rectangle No.33 Khasra No.14/2. He was also co-sharer in land comprising Khewat No.98 Khatoni No.132 Rectangle No.33 Khasra Nos.16/2, 17/3, 24 and 25. Land measuring 1 kanal 16 marlas was ordered to be sold in Court auction. It is the case of the auction purchaser that in the auction proceeding, reference was only given to Khewat No.101 Khatoni No.135. Although the description of the land was given of Rectangle No.33 Khasra Nos.16/2, 17/3, 24 and 25 which were of Khewat No.98 Khatoni No.132 and not of Khewat No.101 Khasra No.135. On issuance of the sale certificate, an application was filed before the Court for correcting the clerical mistake. Learned Court dismissed the application on the ground that it is not a clerical mistake. It is the duty of the Court to issue

appropriate sale certificate. Even if the error was not a clerical error but due to some other reason, the Court has to correct the same. Land comprised in Khewat No.101 is only of 3 marla in which judgment debtor is co-sharer, whereas the land sold in auction is 1 kanal 16 marla which was 1/14th share out of land comprised in Rectangle No.33 Khasra Nos.16/2, 17/3, 24 and 25, total measuring 22 kanal and 15 marla. Keeping in view the aforesaid fact, learned Court is directed to re-decide the matter and do substantive justice rather than going into the technicalities.

Accordingly, the order under challenge (Annexure P-7) is set aside and the Court is directed to re-decide the matter. If the Court comes to the conclusion that the land which was sold was part of Khewat No.98 Khatoni No.132, the Court would pass appropriate order correcting the error.

Parties through their counsel are directed to appear before the Court on 08.03.2019.

11.02.2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No