

CR No.6167 of 2016
Date of Decision: 26.8.2019

Makhan Singh

.....Petitioner

Versus

Sarabjit Singh @ Bhola and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Amaninder Preet, Advocate, for the petitioner.

Mr. P.S. Dhaliwal, Advocate, for respondents No.1 to 3, 5, & 6.

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the petitioner, inter alia contended that in a suit for declaration, the plaintiff has claimed titled to the extent of 1/6th share out of ½ share of deceased Gurdial Singh (father of the plaintiff) and share to the extent of 1/6th share out of ½ share in the land owned by Hardial Singh (uncle of the plaintiff). Inadvertently, in the head note of the suit, word 'joint possession' was left due to clerical omission. The suit was filed on 18.2.2012.

The application for amendment was filed way back on 30.5.2013, which was dismissed on 25.7.2016, but since the matter has been adjourned by the trial Court in view of the interim directions passed by this Court, the trial has not progressed much. Meanwhile, this Court finds that the proposed amendment will not change the nature of the suit in any manner and in any case the stand of the petitioner is that the plaintiff had filed suit for declaration and joint possession but inadvertently due to clerical mistake the word 'joint possession' was left out in the head note of

the suit. The suit being at the preliminary stage, this Court finds no reason not to accept the genuine request of amendment to the said extent.

Accordingly, the present revision petition is allowed. The order dated 25.7.2016 passed by the Civil Judge (SD), Barnala is set aside with a direction to allow the petitioner to amend the prayer clause as well as head note of the plaint as mentioned in the application.

(NIRMALJIT KAUR)
JUDGE

26.8.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No