

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 370 of 2020

Date of Decision: 20.01.2020

Paramjit Singh

... Petitioner(s)

Versus

Balvir Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Sachin Mittal, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

Correctness of the order passed by the learned trial Court on an application under Sections 151 & 152 CPC allowing correction of the pleadings as well as judgment & decree has been assailed.

The plaintiff, while filing a suit for specific performance of the agreement to sell, has inadvertently referred the total land to be 218 kanals & 17 marlas instead of 118 kanals & 17 marlas. The suit was decreed.

After the decree was passed, an application for correction was made on the ground that due to typographical error, there was mistake in the pleadings. The Court, on examination of the agreement to sell, has found that in fact the total land agreed to be sold is 118 kanals & 17 marlas. Thus, the application has been allowed.

Learned counsel for the petitioner has submitted that the respondent/plaintiff should have filed an application under Order VI Rule 17 CPC and not application under Sections 151 & 152 CPC.

This Court has considered the submissions. Order VI Rule 17 CPC provides for amendment of pleadings. Such amendment can be ordered by the Court at any stage of the pending suit. Still further, the nature of correction, which has been ordered by the Court, is arising from a typographical error. Such correction is arithmetical or typographical error which can be corrected under Sections 151 & 152 CPC as the main suit stood decided. Hence, no ground is made out to interfere.

Dismissed.

(Anil Kshetarpal)
Judge

January 20, 2020
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No