

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

**CR No. 8378 of 2014 (O&M)  
Date of Decision: 06.02.2020**

Veena Rani

.... Petitioner

Versus

Darshan Singh and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sanjiv Pandit, Advocate  
for the petitioner.

Mr. Jagjit Singh, Advocate  
for the respondents.

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**ANIL KSHETARPAL, J. (ORAL)**

The decree holder has filed the present revision petition against the order dated 20.08.2014 passed by Ld. Additional Civil Judge (Senior Division), Mukerian.

A decree for possession by way of specific performance of agreement to sell dated 26.09.2000 was passed in favour of the petitioner vide judgment and decree dated 08.12.2005. In the agreement to sell, land comprised in two separate khattas was specified, i.e., khatta No. 57/62 and khatta No. 43/46. Total land agreed to be sold is 8 kanal. In the agreement to sell, it has been recited that the land is situated in Village Jahanpur, Tehsil Mukerian. The plaintiff filed the suit on the basis of the aforesaid agreement to sell which as noticed above, had been decreed. Even the sale deed has also been executed in favour of the plaintiff-decree holder. The decree holder filed an application under Sections 151, 152 and 153 CPC for correction of the decree on the ground that land comprised in khatta No. 43/46 is in village Simbli and not in village Jahanpur. The learned Court dismissed the application by observing that the decree has

been passed as per the prayer in the plaint and therefore, there is no question of correcting the decree, so as to include the land situated in village Simbli.

Learned counsel for the petitioner contends that the respondents-judgment debtors are owners of 8 kanal of land in both the villages namely Jahanpur and Simbli. He submits that both the villages are adjoining and the property is situated on the boundary of both the villages.

On the other hand, learned counsel for the judgment debtors is unable to explain as to whether the judgment debtors were owners of any other land either in village Jahanpur or in village Simbli.

Keeping in view the facts of the case, this Court is of the considered view that the order under challenge is required to be set aside while directing the trial Court to re-decide the application keeping in view Section 26 of the Specific Relief Act, 1963 providing for rectification of instruments. A decree passed by the Court is required to be taken to a logical end. It is for this reason only, Section 26 has been incorporated in the Specific Relief Act, 1963.

Accordingly, the order under challenge is set aside.

Parties through their counsel are directed to appear before learned trial Court on 24.02.2020.

Petition allowed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

**(ANIL KSHETARPAL)**  
**JUDGE**

06.02.2020  
Maninder

Whether speaking/reasoned : Yes  
Whether reportable : Yes