

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

112

CR-5954-2017 (O&M)
Date of decision: 28.09.2022

Smt. Uma Kapoor and another

..Petitioners

Versus

Shri Sharad Kapoor and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.D.Sharma, Advocate,
for the petitioners.

Mr. Jasminder Singh Thind, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

It is unfortunate that the trial court has refused to permit the plaintiff to carry out the very innocuous typographical error in the caption of the plaint. In Clause-6 of the plaint, the plaintiffs have described the property in the following manner:-

“6. Property bearing khasra no.1050, 1051, 1052 also bearing Shed No.3 and 10 situated in the area of Chheharta, Near Railways Crossing, Amritsar.”

Whereas in the prayer clause, the plaintiffs have described the Claus-6 of the property in the following manner:-

“6. Property bearing khasra no.1050, 1051, 1052 also bearing Shed No.3, 4 and 10 situated in the area of Chheharta, Near Railways Crossing, Amritsar.”

An application was filed only to correct typographical omission of referring Shed No.4 in the caption of the plaint. Such amendment can

even be permitted after the decision of the case while exercising powers under Section 152 of the Code of Civil Procedure, 1908.

Hence, the order dated 19.05.2017 is set aside. The revision petition is allowed.

Since it is a typographical omission, therefore, no separate written statement shall be required to be filed by the defendants. The Court will proceed with the trial which is already fixed for the plaintiff's evidence.

All the pending miscellaneous applications, if any, are also disposed of.

September 28, 2022

(ANIL KSHETARPAL)
JUDGE

nt

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