

247 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2466-2021
Decided on:-29.11.2022

Jasbir Kaur

....Petitioner

vs.

Gur Satnam Singh

....Respondent.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naveen Bawa, Advocate,
for the petitioner.

HARKESH MANUJA J. (Oral)

By way of present revision petition, challenge has been made to an order dated 22.09.2021 (Annexure P-7), whereby an application filed under Section 153 read with Section 151 CPC, seeking correction of typographical mistake in the petition as well as in the judgment dated 01.09.2011 arising out of petition under Section 13 of the Hindu Marriage Act, 1955 (Annexure P-2), has been dismissed by the learned District Judge, Amritsar.

2. Facts of the present case are that on 01.09.2011, an ex-parte judgment and decree of divorce under Section 13 of the Hindu Marriage Act, 1955 was passed in favour of petitioner-wife by the court of learned District Judge, Amritsar. After passing of the aforementioned judgment, an application under Section 153 read with Section 151 CPC was filed at the instance of petitioner-wife before the same court, seeking correction of divorce petition as well as the judgment and decree dated 01.09.2011 to the effect that the name of her second child was wrongly mentioned as

“Sukhshiner Singh” instead of “Sukhshinder Singh” besides even his date of birth, which was mentioned as “06.02.2009” instead of “06.01.2009”, on account of typographical error and thus, prayed for carrying out of necessary corrections therein. The court below vide order dated 22.09.2021, dismissed the aforesaid application. It is the said order dated 22.09.2021, which has now been impugned by way of present revision petition.

3. Learned counsel for the petitioner submits that the name of second son of the parties to the dispute was wrongly typed as “Sukhshiner Singh” instead of “Sukhshinder Singh” and even his date of birth was incorrectly mentioned as “06.02.2009” instead of “06.01.2009” due to inadvertent error. In this regard, learned counsel for the petitioner relies upon Aadhar Card of Sukhshinder Singh besides his birth certificate issued by the Municipal Corporation, Amritsar showing the correct name and the date of birth.

4. Notice of the present revision petition was issued to the respondent, in response, Mr. Harvinder Singh Johal, Advocate appears on his behalf and submits that his client has no objection to the corrections sought for at the instance of petitioner-wife as the same are even corroborated from the original records of Aadhar Card as well as birth certificate of their second son.

5. I have heard learned counsel for the parties and gone through the records. I find merits in the submissions made on behalf of the petitioner.

6. Though, there appears to be some delay on the part of the petitioner-wife for having moved the instant application for seeking necessary correction in the name and date of birth of her second son,

however, considering the fact that the mistake while mentioning the same in the divorce petition, followed by the judgment dated 01.09.2011 has occurred on account of bonafide typographical error, the same is now required to be corrected. As informed during the hearing, the second son of the parties has to now apply for his passport for the purpose of visiting his father i.e. the respondent herein in furtherance of some reconciliation effort going on between the parties. Undisputedly, the name of second son of the parties to the present dispute, in his official record in the shape of Aadhar Card as well as birth certificate issued by Municipal Corporation, Amritsar has been recorded as “Sukhshinder Singh” and his date of birth is recorded as “06.01.2009”. Accordingly, the impugned order dated 22.09.2021 passed by learned District Judge, Amritsar is ordered to be set aside being based on too much of hypertechnical approach and resultantly necessary corrections as regards the name and date of birth of second son of the parties to the dispute are hereby ordered to be made as “Sukhshinder Singh” and “01.06.2009” in the divorce petition i.e. HMA137/2011 titled as “Jasbir Kaur vs. Gur Satnam Singh” as well as in the judgment and decree dated 01.09.2011 passed by the learned District Judge, Amritsar. The necessary corrections are even otherwise required to be carried out so as to set the record right based on the accredited and authentic information in the shape of “Aadhar Card” and the “Birth Certificate” issued by the concerned Municipal Authorities.

8. Pending application(s), if any, shall also stand disposed of.

29.11.2022

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(HARKESH MANUJA)
JUDGE

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