

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

113

CR-137-2023

Date of decision : 11.01.2023

Swaran Kaur

... Petitioner

Versus

Amarjit Kaur

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Paramjit Singh Jammu, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 17.11.2022 whereby the application of amendment in the plaint and the decree filed by the husband of the respondent has been allowed.

Learned counsel for the petitioner submits that the suit for declaration had been decreed in the year 1991 and in terms of the pleadings, square number had been mentioned as 65. The respondent had sought an amendment in the pleadings and the decree after 26 years stating that it should have been Square No.69 instead of Square No.65. He also submits that the amendment could not have been made at a belated stage especially when 26 years had lapsed.

Heard.

The suit had been decreed in favour of the husband of the respondent in the year 1991 (Annexure P-1). It is true that in the plaint and the decree, square number had been mentioned as 65. The respondent had filed an application for correction in the plaint and the decree as a complaint has been made against her by the tenants of the petitioner herein, it was thereafter that

she realized that there is an error in the plaint and the decree. The trial Court while allowing the application had summoned the original file and the Jamabandi on file was for the year 1984-85 wherein square number was mentioned as 65. The square number had been mentioned as 69 in the Jamabandi for the year 1999-2000 which had been filed along with the application and the correction had been made thereafter. It is apt to notice that the petitioner had also filed a civil suit with regard to same property and in the pleadings, she had also mentioned the square No. to be 65 which further strengthens the factum of an error in the revenue record which had later been corrected. The actual description of the land or the land falling in the same square is not in dispute. There is no denial to the proposition that an amendment should not be allowed at a belated stage but in the instant case, there was indeed an error in the revenue record which had been corrected and on the basis of correction in the revenue record, an amendment in the plaint and the decree had been sought which had been allowed by the trial Court.

Consequently, I do not find any infirmity in the order of the trial Court and the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 11, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No