

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

222

CR-1315-2017

Date of Decision :24.03.2023

Baldev Singh and others**...Petitioners**

Versus

Sukhdev Singh and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Arihant Jain, Advocate for the petitioners.

Mr. Rajinder Singh Dhaliwal, Advocate for respondent No.1.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present revision petition, the challenge is to order dated 12.09.2016 (Annexure P/1) by which, an application filed under Order 6, Rule 17 of the CPC for amendment in the plaint so as to correct the typographical error qua the mutation number has been declined.

Learned counsel for the petitioners-plaintiffs argues that suit was filed by the petitioners-plaintiffs seeking relief that the mutations sanctioned vide No.10024, 10036 and 10209 does not have any effect on the rights of the petitioners-plaintiffs and rather the said mutations are liable to be set aside. Learned counsel for the petitioners-plaintiffs submits that one of the mutation number i.e. mutation No.10360 was inadvertently mentioned as 10036 due to a typographical error. Learned counsel for the petitioner submits that the said amendment will not change the nature of the suit but will only correct the typographical error due to which, incorrect mutation number has been mentioned in the plaint. Learned counsel for the petitioner submits that amendment sought was to correct the typographical

error qua mentioning of mutation number as 10360 instead of mutation No.10036.

Learned counsel for the respondents submits that the amendment which has been sought, is after the commencement of the trial hence, keeping in view the proviso to Order 6, Rule 17 of the CPC, same could not have been allowed after the commencement of the trial hence, the present revision petition filed by the petitioner is liable to be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistant.

In the present case, an amendment has been sought to rectify the mutation number, which has been mentioned as 10036 instead of 10360. Correction of this typographical error does not change the nature of the suit rather the amendment will correct the error for better adjudication of the lis between the parties. Further, no prejudice caused to the respondents-defendants has been brought to the notice of this Court hence, the amendment which is only for correcting the typographical error in the suit should have been allowed.

Keeping in view the above, order dated 12.09.2016 (Annexure P/1) is set aside and the application filed by the petitioners-plaintiffs under Order 6 Rule 17 of the CPC to correct the mutation number from mutation No.10036 to 10360 is accepted. Trial Court is requested to proceed with the suit in accordance with law henceforth.

Present revision petition stands allowed.

March 24, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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