

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2455-2021

Date of Decision :12.04.2023

Sudesh Kumari

...Petitioner

Versus

Mahant Shankar Giri and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satbir Rathore, Advocate for the petitioner.

Mr. Rohiteshwar Singh, Advocate for the respondents.

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Harsimran Singh Sethi, J. (Oral)

Present revision petition has been filed challenging the order dated 13.10.2021 (Annexure P/5) passed by the trial Court by which, the application filed by the petitioner-plaintiff for amendment of the plaint so as to remove the typographical error, has been dismissed.

Learned counsel for the petitioner-plaintiff argues that in the present case, a suit for declaration was filed by the petitioner and in the head note of the plaint due to the typographical error a word 'and' could not be mentioned and in the relief clause, recovery amount was mentioned as 2,09,348/- though, in the heading, the same was correctly mentioned as 2,50,000/-. Learned counsel for the petitioner submits that amendment sought will not change the nature of the suit as the same is only to remove the typographical error for the correct understanding of the prayer clause

whereas, the said application has been dismissed by the trial Court on the ground that as too many opportunities have been given to the petitioner-plaintiff to conclude their evidence but they have not concluded the same and the said application has been filed only to delay the proceedings, without dealing with the controversy/issue on the basis of which the application was filed.

Learned counsel for the respondent on the other hand submits that the petitioner-plaintiff should have been vigilant at the time of filing the suit and should have noticed the typographical error in case due diligence would have been used while signing the petition.

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

Keeping in view the nature of amendment sought, which is only to correct a typographical error and will not change the nature of the suit and will also not require any additional evidence to be produced in case the amendment sought is allowed, no prejudice is caused to the respondents has been brought to the notice of this Court. Further, the amendment of typographical error will clarify the position without changing the nature of the suit. Law on this issue has already been settled by a Coordinate Bench of this Court in **CR-5708-2015** titled as **Roshan Lal vs. Ram Piari and others** decided on 11.05.2016 wherein, it has been held that amendment sought to correct a typographical error in the original plaint should be allowed as the corrections are necessary to be undertaken for just and proper adjudication.

Keeping in view the said proposition of law, impugned order

dated 13.10.2021 (Annexure P/5) passed by the trial Court is set aside and the application filed by the petitioner-plaintiff seeking amendment of plaint is allowed so as to carry out the correction of typographical error.

Present revision petition stands allowed.

April 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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