

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CR-4286-2015 (O&M)
Date of decision: 05.04.2024

TULSI RAM AND ORS.

..Petitioners

Versus

VED PARKASH AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. U.K. Agnihotri, Advocate
and Ms. Anshul Agnihotri, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. The learned counsel representing the respondents is not present, though, the case has been called twice.
2. In this revision petition, the petitioners, who were plaintiffs before the trial Court assail the correctness of order dated 04.06.2012/22.02.2014. The petitioners application under Section 151, 152 read with Section 153 of the Code of Civil Procedure, 1908, for permitting the plaintiffs to correct typographical error in description of the joint land has been dismissed.
3. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
4. Previously, members of a larger family filed proceedings for partition of the joint property, which was decreed on 28.11.1985. In that proceedings, Sh. Govind Ram, Smt. Mishri, Sh. Mewa, Smt. Rewati, Smt. Kamala daughters of Sh. Ram Rikh son of Sh. Mauji, Sh. Datta Ram son of Sh. Chunna and Smt. Sarti widow of Sh. Baldeva, were declared owners of

land comprised in plot No.440 (0-24), 441 (0-13), 453 (0-8), 455 (0-6), 515 (0-5), 629 (0-18), 634 (0-2), 1211 (0-10), whereas, the property comprised in Khasra No:- 440/(2) (0-1), 453 (0-8), 455/(1) (0-1), 515 (0-5), 634 (1-2), 1211/1 (0-10) fell to the share of Sh. Chandgi, Sh. Sanwat, Siri Ram, Sh. Ramji Lal sons of Sh. Jai Ram son of Lahari, Sh. Gopal Dass, Sh. Mange Ram, Sh. Rati Ram, Sh. Onkar sons of Sh. Kishan Sahai.

5. In the next round, heirs of Sh. Gopal Dass and Sh. Krishan Sahai filed the suit for possession by way of partition against the children of Sh. Chandgi, Sh. Sanwat, Siri Ram and Sh. Ramji Lal sons of Sh. Jai Ram son of Sh. Lahari. The aforesaid suit was also decreed on 04.06.2012 and a preliminary decree for partition was passed. Subsequently, the plaintiffs (petitioners) filed an application for correction in the khasra number as there was error in the revenue record. The aforesaid application has been dismissed by the trial Court on the ground that the plaintiff is required to be vigilant about his rights. They are required to verify the correct khasra numbers before filing the suit.

6. This Bench has heard the learned counsel representing the petitioners at length and with his able assistance perused the paperbook.

7. He submits that it is evident from the judgment passed on 28.11.1985 that the property comprised in khasra No. 440 (2), 453 (0-8), 455 (1), 515 (0-5), 634 (1-2), 1211/1 (0-10), fell to the share of Sh. Chandgi, Sh. Sanwat, Siri Ram, Sh. Ramji Lal sons of Sh. Jai Ram son of Lahari, Sh. Gopal Dass, Sh. Mange Ram, Sh. Rati Ram, Sh. Onkar sons of Sh. Kishan Sahai.

8. While filing the petition, the petitioners are required to give new particulars of the aforesaid land. He submits that there was small error in the description of the property, which should have been permitted to be corrected. He submits that the correct khasra numbers are as under:-

*440/2 (0-12), 453 (0-8), 455 (0-1), 515 (0-5), 634 (1-2),
1211/1 (0-10)*

9. This Court has considered the submissions of the learned counsel representing the petitioners.

10. It is evident that the trial Court has not held that there is no typographical error. As noticed, the trial Court has dismissed the application on the ground that the plaintiffs were required to be vigilant. The petitioners herein are villagers. Normally, they are not sufficiently literate. They are required to depend upon the revenue officials. In these circumstances, the Court is required to take a broader view rather than dismissing the application on technicalities.

11. Keeping in view the aforesaid facts, the revision petition is allowed. The impugned order is set aside. The trial Court is requested to decide the application afresh after verifying the correct khasra numbers, which are joint between the parties.

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

April 05th, 2024

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(ANIL KSHETARPAL)
JUDGE

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