

**S. No.271**

**2024:PHHC:083562**

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

**\*\*\*\***

**CR No.2063 of 2024**

**Date of Decision: 05.07.2024**

**.....Petitioner**

**Krishan Kumar**

**Vs.**

**Circle Revenue Officer and another .....Respondents**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Ms. Deepika, Advocate for Mr. S.K. Yadav,  
Advocate for the petitioner.

Mr. Rajbir Singh, DAG, Haryana.

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**DEEPAK GUPTA, J. (Oral)**

Petitioner is aggrieved by the order dated 18.12.2023 passed by learned Additional Civil Judge (Senior Division), Mohindergarh, whereby an application under Order 6 Rule 17 read with Section 151 CPC to amend the application filed under Section 144 CPC, was dismissed.

2. Learned counsel contends that an application for restitution under Section 144 CPC (copy Annexure P.5) was moved by the petitioner for compliance of the judgment dated 12.03.1982 (Annexure P.1), for setting aside Mutation No.332 dated 06.07.1982. However, inadvertently, the mutation number in the heading and relevant paragraphs of the application was mentioned to be 33 dated 06.07.1982 instead of 332 dated 06.07.1982. The said application has been dismissed by the trial Court by way of the impugned order by observing that in the initial petition, mutation number was not mentioned.

3. Learned counsel for the petitioner has drawn attention towards the copy of the petition filed under Section 144 of CPC (Annexure P.3) wherein in the headnote as well as para No.5 onwards, mutation number has

been mentioned to be 33 dated 06.07.1982. It is contended that the learned trial Court has wrongly observed that no mutation number was mentioned.

4. Learned State Counsel has drawn attention towards the vernacular copy of Annexure P.3, which would reveal that mutation number as 33 has been inserted later on by Pen in the relevant paragraph, though initially the space for mutation number had been left.

5. Heard. Be that as it may, it is not in dispute that petitioner sought restitution under Section 144 CPC on the basis of the judgment dated 12.03.1982 (Annexure P.1) on which basis, a mutation has been sanctioned on 06.07.1982. Even if it be assumed that mutation number was not mentioned, it has not been disputed that mutation on the basis of the judgment dated 12.03.1982 is bearing No.332 . The impugned order is not sustainable as the learned trial Court appears to be swayed by the fact that mutation number had not been given. The Court was required to peruse the entire application and the relevant documents, before considering the application.

6. As such, the present petition is hereby accepted. The impugned order dated 18.12.2023 is set aside. The application under Order 6 Rule 17 CPC for making necessary correction regarding mutation number in the petition under Section 144 CPC is hereby allowed. The trial Court is directed to proceed further accordingly, in accordance with law.

July 05, 2024  
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( DEEPAK GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |