

131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4954-2023(O&M)
Date of decision :29.04.2024

Joginder Singh (since deceased)
through his Lrs ...Petitioners

Vs.

Charanjit Singh(since deceased)
through Lrs and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shubham Goyal, Advocate
for the petitioners.

Mr. Rohit Sud, Advocate
Mr. Akhil Aggawal, Advocate and
Ms. Kuljeet Kaur, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the plaintiff assails the correctness of interlocutory order passed by the trial Court while dismissing his application for permission to amend the plaint. The petitioner claims that on account of a typographical error, the area of Khasra No. 414 min has been typed 2 kanals 14 marlas, whereas, the correct area is 02 kanals 10 marlas. It has also been pointed out that the second printing error is in the total area, which should be corrected to 05 kanals instead of 05 kanals 04 marlas.
2. The trial Court has dismissed the application on the ground that it has been filed after a delay of more than 2½ years from the date the plaintiff came to know of the mistake.
3. Heard the learned counsel representing the parties at length and

with their able assistance perused the paper-book.

4. Learned counsel representing the petitioner submits that the mistake has occurred due to inadvertent typographical error and it should have been permitted to be corrected.

5. *Per contra*, learned counsel representing the respondents submits that the petitioner came to know of the mistake in the year 2019, whereas, the application was filed in April, 2023. Hence, the application was filed after unexplained delay of nearly 3½ years.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. The amendment of pleadings sought in this case can be categorized in formal amendments arising from a typographical or inadvertent errors and it does not fall in the category of substantive amendments. The formal amendments arising from printing, clerical or typographical errors can be permitted to be corrected under Section 152 of the Code of Civil Procedure, 1908, even after the judgment has been pronounced. In this case, it is evident that the error is only on account of printing or typographical error.

8. Hence, the application is allowed. The impugned order dated 11.07.2023, is set aside.

9. The revision petition stands allowed.

(ANIL KSHETARPAL)
JUDGE

29.04.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No