



CR-6247-2019

-1-

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

104

CR-6247-2019

Date of decision:27.02.2025

DAVINDER SINGH

...PETITIONER

VS.

SURJIT SINGH AND OTHERS

...RESPONDENTS

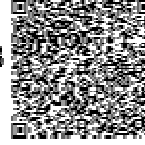
CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sudhir Paruthi, Advocate
for the petitioner.

Mr. Sachin Kalia, Advocate for
Mr. R.S. Bajaj, Advocate
for respondent No.1.

SUVIR SEHGAL, J.

1. Challenge in the instant petition is to order dated 08.07.2019, Annexure P-5, passed by the learned Civil Judge (Jr. Divn.), Jalandhar, whereby an application filed by respondent No.1/plaintiff No.1 for correction of the amount mentioned in the cross-examination of Gursharan Singh (PW1) has been accepted.

**CR-6247-2019****-2-**

2. Counsel for the petitioner/defendant No.1 has contended that there is no provision in the Code of Civil Procedure for amendment of the testimony of a witness and the trial court has erred in accepting the application, Annexure P-3. On the other hand, counsel for respondent No.1/plaintiff No.1 has argued that a typographical mistake had occurred in recording the cross-examination of Gursharan Singh (PW1), who is the Special Power of Attorney (SPA) of the plaintiffs and on an application moved, the same has been permitted to be corrected by the Trial Court.

3. I have heard counsel for the parties and considered their respective submissions.

4. Plaintiffs filed a suit, Annexure P-1, for declaration to the effect that alongwith defendants No.2 to 4, they are joint owners of a residential house and that petitioner/defendant No.1, who is the owner of an adjoining plot, has encroached upon their property. Plaintiffs sought permanent injunction restraining him from interfering in their possession. It has been claimed that plaintiff No.2 purchased the suit property by virtue of a sale deed dated 13.11.1990 from one of the legal representatives of Charan Singh, who had expired on 14.01.1984. Alleging that petitioner/defendant No.1 is in unauthorized possession of some portion of their property, they filed the suit. Upon being served, suit was being contested by petitioner/defendant No.1 by filing a written statement and after the framing of issues, plaintiffs examined Gursharan Singh (PW1), who was their SPA. He tendered his affidavit, Ex.PW-1/A before the Trial Court and his cross-



CR-6247-2019

-3-

examination was conducted on 22.02.2019, Annexure P-2. On a suggestion put to this witness, he stated that *“It is true that the value of 1/8th share of property No.225, Model Town, Jalandhar, was Rs.13 lacs in the month of November, 1990. I cannot say if value of 1/8th property No.225, Model Town, Jalandhar, was more than Rs.13 lacs or slight less than it.”* Further cross-examination of PW1 was deferred and after he signed the cross-examination, it was brought to the notice of the Court that the figure of Rs.13 lacs mentioned in the cross-examination deserves to be read as Rs.1.3 lacs and an application, Annexure P-3, was moved to bring about this correction. After contest, this application has been accepted by the Trial Court vide order impugned herein.

5. While accepting the application, Trial Court has recorded that it is of the considered view that the amendment in the evidence of the witness deserves to be permitted. However, there is no provision for amendment of the testimony of a witness, but Section 151, CPC confers an inherent power on the Court to correct any mistake in the Court proceedings. This provision vests wide power in the Court to make such orders as it deems necessary for the ends of justice or to prevent the abuse of process of the Court. In **Ramji Gupta and another Vs. Gopi Krishan Agrawal (D) and others (2013) 9 SCC 438**, Supreme Court has observed that inherent powers may be exercised *ex debito justitiae* in those cases, where there is no express provision in CPC. The said powers cannot be exercised in contravention of, or in conflict with, or upon ignoring the express and specific provisions of

**CR-6247-2019****-4-**

the law. Although, there is no provision in the Code of Civil Procedure for alteration in the testimony of a witness but in case some portion of the testimony has been inadvertently recorded due to some typographical mistake or otherwise, the Court has wide inherent power under Section 151 CPC to rectify the error.

6. Perusal of the impugned order shows that the Court has recorded that there is a typographical mistake, which deserves to be corrected. The Court has exercised the power vested in it under Section 151, CPC. There is no irregularity or illegality in the order passed by the Trial Court.

7. Revision petition being devoid of merit, is dismissed, though with no order as to costs.

27.02.2025
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No