



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

Civil Revision No. 1465 of 2020 (O&M)

Date of Decision: 28.04.2026

Harbhajan Dass

..... Petitioner

Versus

Parkash Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Surinder Thakur, Advocate
for the petitioner-defendant No. 1.

Mr. Dinesh Nagar, Advocate with
Ms. Kamlesh Kumari, Advocate
for contesting respondent Nos. 1 & 2-plaintiffs.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 14.02.2020 passed by the learned Civil Judge (Junior Division), Hoshiarpur-cum-Executing Court, whereby the application filed at the instance of respondent Nos. 1 & 2-plaintiffs under Section 47 read with Section 151 CPC was allowed.

[2] In the present case, based on an agreement to sell dated 21.02.1994 for the land forming part of the revenue estate of Village Bassi Khijjar, Tehsil & District Hoshiarpur falling in Rect. No. 2, Khasra No. 9 (3-9) and 12/2 (4-9), the respondents-plaintiffs filed a suit for possession by way of specific performance against the petitioner-defendant. The relevant prayer clause from the suit with respect to the details of the property are extracted hereunder:-

“ It is, therefore, prayed that a decree for possession of a plot measuring 18½ marlas (3831 Sq. ft.) out of land measuring 7 kanals 9 marlas contained an Khewat No 14 Khatauni No. 14 Rect. No.2 Kh. No.9(3-9), Kh. No. 12/2(4-9), situated in Hadbast No. 372, of Bassi Khijjar, Tehsil and district Hoshiarpur, as per entry in the farad jamabandi for the year 2002-2003, fully detailed and described in the head note of the plaint, by way of specific performance of an agreement to sell dated 21-2-1994 by directing the defendants to execute the sale deed of the above said property in favour of the plaintiffs or in the alternative suit for recovery of Rupees 75,000/- (seventy five thousands rupee along with pendent elite and future interest and costs may kindly be passed in favour the plaintiffs and against the defendant Plaintiffs may also be granted any other relief to which they are found entitled under law and equity.”

[3] The above mentioned suit was partly decreed by the learned trial Court vide judgement and decree dated 29.04.2014. Appeal against the same preferred by the petitioner-defendant was dismissed by the Court of learned Additional District Judge, Hoshiarpur vide judgment and decree dated 14.12.2016. The relevant portion from the decree sheet dated 14.12.2016 passed by the learned Additional District Judge, Hoshiarpur is extracted hereunder:-

“ Suit for possession of a plot measuring 18½ marlas (3831 Sq. ft.) out of land measuring 7 kanals 9 marlas contained in Khewat No. 14, Khatauni No.14 Rect. No.2 Kh No.9(3-9), Kh. No. 12/2(4-9) situated in Hadbast No.372, of Bassi Khijjar, Tehsil and District Hoshiarpur and bounded as East: Other owner, West: land of defendant No.1, North: Passage 20 ft., South: Ownership of Kanwar with dimensions East and West: 48'-6", North and South: 79 ft., as per entry in the fard jamabandi for the year 2002-2003 by way of specific

performance of an agreement to sell dated 21.02.1994 by directing the defendants to execute the sale deed of the above said property in favour of the plaintiffs or in the alternative suit for recovery of ₹75,000/- (seventy five thousands rupees) along with pendent elite and future interest and costs.”

[4] Based thereupon, the respondents/decree-holders filed an execution application. During its pendency, it came to the notice of the respondents/decree-holders that though the total area in the plaint was rightly mentioned to be 7 kanal 9 marla, however, while providing the details of khasra numbers instead of mentioning Rect. No. 2, Khasra No. 9 (3-0) and Khasra No. 12/2 (4-9), it was wrongly mentioned as Rect. No. 2, Khasra No. 9 (3-9) and Khasra No. 12/2 (4-9). Accordingly, an application under Section 152/153 read with Section 151 of CPC was filed for amendment / correction in the judgment.

[5] The said application was opposed at the instance of petitioner-Judgment Debtor. The learned trial Court, vide order dated 12.12.2019 recalled the prayer made by the plaintiffs with the following relevant observations:-

“Of course the observations made therein with regard to applicability of section 47 CPC are binding upon this court. Nevertheless instant application is one u/s 152 of CPC for correction of judgment and decree which has not been passed by this court but by the first appellate court. Accordingly, this court has no power to correct the judgment and decree in question which power only vests in the court which passed the decree. Application in hand therefore stands dismissed, without prejudice to the rights of applicants to move appropriate application u/s 47 before the executing court, which shall be considered in accordance with law. File be

tagged with file of civil suit in question and consigned to record room.”

[6] Thereafter, the respondents-plaintiffs moved an application before the learned Executing Court invoking Section 47 read with Section 151 CPC with a prayer for making necessary correction with respect to the details of land i.e. Rect. No. 2, Khasra No. 9 (3-0), instead of Rect. No. 2 Khasra No. 9 (3-9).

[7] Again the said prayer was opposed at the instance of petitioner-defendant and the learned Executing Court allowed the aforesaid application under Section 47 moved by the respondents-plaintiffs vide order dated 14.02.2020. Aggrieved thereof, the petitioner has filed the present revision petition.

[8] After hearing learned counsel for the parties and gone through the paper-book, no case for interference in the impugned order is made out.

[9] A perusal of the plaint clearly shows that the prayer therein was with respect to the grant of decree for possession by way of specific performance of land measuring 7 kanals 9 marlas in total. However, while mentioning the details of the land to be forming part of Khewat No. 14, Khatauni No. 14, Rect. No. 2, Khasra No. 9 **(3-0)** and Khasra No. 12/2 (4-9) situated in Hadbast No. 372, of Bassi Khijjar, Tehsil & District Hoshiarpur, the same was incorrectly mentioned as Khewat No. 14, Khatauni No. 14, Rect. No. 2, Khasra No. 9 **(3-9)** and Khasra No. 12/2 (4-9). This inadvertent error was even carried forward by both the learned Courts below while passing judgments and decrees dated 29.04.2014 & 14.12.2016.

[10] Pertinently, even from the plaint, it was apparent and evident that the prayer made in the suit for grant of decree for possession by way of specific performance was for land measuring 7 kanals 9 marlas only and in case if the total area is reconciled with the details of the land provided in the plaint, it becomes clear that the area of Khasra No. 9 ought to have been 3 Kanal 0 Marla (3K-0M), whereas inadvertently and on account of typographical error, it was wrongly mentioned as Khasra No. 9 (3-9).

[11] In such circumstances, the order dated 14.02.2020 passed by the learned Civil Judge (Junior Division), Hoshiarpur-cum-Executing Court, while accepting the prayer made by the respondents-plaintiffs in their application for correction for khasra number being based on proper appreciation of evidence and material available on record besides in the interest of justice, calls for no interference especially when the order dated 12.12.2019 passed by the learned trial Court about correction of land details in its judgment and decree dated 29.04.2014 was never assailed by the petitioner-defendant No. 1.

[12] Consequently, the present revision petition is hereby **dismissed**.

[13] Pending miscellaneous application(s), if any, shall also stand disposed off.

April 28, 2026

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>