

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

153

CR-1538-2021 (O&M)

Date of decision: 18.05.2026

Suba Singh

...Petitioner(s)

Vs.

Mandeep Kaur and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. A.S.Khinda, Advocate
for respondent No.1.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the plaintiff seeking setting aside of the order dated 19.07.2021 (Annexure P-5) passed by learned Civil Judge (Junior Division)-II, Kapurthala; whereby application filed by the petitioner under Order 6 Rule 17 CPC, for seeking amendment of the plaint, has been dismissed.

2. Brief facts of the case in chronological order are as follows: -

13.07.2016: Petitioner had filed amended Suit dated 13.07.2016 (Annexure P-1) for declaration and permanent injunction.

20.01.2017: Respondent/defendant No.1 had filed written statement dated 20.01.2017 (Annexure P-2). Defence of defendants No. 2 to 5 and 7 had been struck off.



21.04.2017: Plaintiff had filed application dated 21.04.2017 (Annexure P-3) under Order 6 Rule 17 CPC for amendment of the plaint.

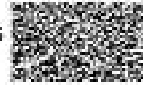
07.03.2020: Defendant had filed reply dated 07.03.2020 (Annexure P-4) to the said application.

19.07.2021: Vide impugned order dated 19.07.2021 (Annexure P-5), application of the petitioner has been dismissed on the ground that trial has not only commenced but is at its fag end and it was incumbent upon the petitioner to show due diligence. It was further held that pleadings of the petitioner/plaintiff are contrary to the arguments.

3. Hence, present Revision Petition.

4. It is *inter alia* submitted by learned counsel for the petitioner that a mere typographical error in the plaint of the civil suit filed by the petitioner is being held against him. Inasmuch as, name 'Jhina' is required to be replaced with 'Jiwan S/o Jamita' and similarly, instead of 'Shahkot', the same is to be replaced with 'Syalkot'. Likewise, 'Naggar' is to be replaced with 'Naggaur.' Yet, application seeking amendment of the said error has been dis-allowed vide impugned order dated 19.07.2021.

5. It is submitted that all the aforesaid typographical errors are duly supported by the revenue record, which has already been placed on record. Notwithstanding, the application moved under Order 6, Rule 17 of the CPC for correction in the plaint has been rejected. Clearly, therefore, the petitioner has sought innocuous amendment which could not have been objected to by the respondent. Yet, the learned Trial Court has dismissed amendment application of the petitioner in a mechanical

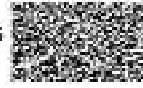


manner. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order be set aside.

6. *Per contra*, learned counsel for respondent/defendant opposes submissions of the petitioner by submitting that application under Order 6 Rule 17 CPC was moved by the petitioner at a highly belated stage when the suit was fixed for rebuttal arguments. Moreover, case set up by the petitioner is contrary *in-as-much* as petitioner had examined PW3, who had admitted the correct translation of the revenue record; Whereas in his amendment application (Annexure P-3), petitioner has sought amendment on the ground that the same is a typographical error. It is further submitted that vide the application (Annexure P-3), petitioner has only sought correction of the name of the great grandfather of Sucha Singh and correction of District Syalkoat instead of Shahkot. It is submitted that in the said application, there is no mention of correction of village Naggar. It is submitted that therefore, there is no merit to the present Revision Petition and the same be dismissed.

7. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the petitioner.

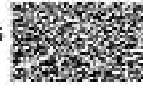
8. Petitioner had filed "***amended suit for declaration to the effect that Will dated 25.01.2007 registered on 29.01.2007, executed by Sucha Singh s/o Sunder Singh s/o Jiwan s/o Jhina r/o village Ucha, Tehsil and District Kapurthala, is illegal, invalid, manufactured document and is liable to be cancelled and further declaration to the effect that mutation***



*bearing No. 4121 dated 04.01.2012 sanctioned on the basis of Will dated 25.01.2007 is also illegal, invalid, void, unlawful, inoperative and ineffective upon the rights of plaintiff, performa defendant no. 7. sanctioned at the back of plaintiff and performa defendant no. 7 without notice and the plaintiff performa defendant no. 7 is not bound by the same and is liable to be set aside; **AND Suit for declaration** to the effect that plaintiff, defendant No.2, 3, 4,5 being the legal heirs of Major Singh and performa defendant No. 7 are owner to the extent of i.e. plaintiff 1/3 share, defendant no. 2,3,4 and 5 are owner of equal share out of 1/3 share of Major Singh and performa defendant no.7 is owner 1/3 share of the land of share of Sucha Singh s/o Sunder Singh s/o Jiwan s/o Jhina, situated in village Ucha, Tehsil and District Kapurthala, according to the Jamabandi for the year 2011-12; **AND**"*

In para 1 of said suit (P-1), petitioner has averred as follows: -

"That Jiwan s/o Jhina Singh was the resident of Naggaur, District Sahkot(now in Pakistan). Aforesaid Jiwan s/o Jhina owned and possessed agriculture land in Village Naggaur, District Shahkot, Pakistan. After the death of Jiwan s/o Jhina, sunder Singh s/o Jiwan s/o Jhina inherited the property of Jiwan s/o Jhina and after partition, Sunder Singh along with his family members, migrated from Pakistan to Punjab(India) and then aforesaid Sunder Singh settled at village Ucha and in lieu of the land left by Sunder Singh in Pakistan which he inherited from his father Jiwan s/o Jhina in Village Naggaur Pakistan, he was allotted the land at village Ucha, Tehsil and District Kapurthala. Mutation No. 787 has been entered and sanctioned in this respect. Aforesaid Sunder Singh died in the



year 1948 at village Kadian leaving behind 3 sons namely Teja Singh, Fauja Singh and Sucha Singh and 3 daughters namely Kapur Kaur, Piar Kaur. Sunder Singh died before enactment of Hindu Succession Act, 1956. After Sunder Singh, Sucha Singh father of the plaintiff, inherited the land of aforesaid Sunder Singh to the tune of 1/3 share and the other brothers of Sucha Singh also inherited 1/3 share each out of the property left by Sunder Singh. Aforesaid Sucha Singh inherited the property of Sunder Singh by way of natural inheritance. Sucha Singh died in the year 2011.”

9. It is the case of the petitioner that due to the revenue record being in Urdu, name of the great grandfather of Sucha Singh has been mentioned as ‘Jhina’; whereas it should have been mentioned as ‘Jiwan s/o Jamita’. Similarly, District ‘Syalkot’ has been wrongly mentioned as District ‘Shahkot’. Needless to say, the proposed changes in the lineage and place where the property is situated are innocuous and will not change the nature and character of the suit and will not lead to a denovo trial. Admittedly, there is no District ‘Shahkot’ existing in Pakistan. Similarly, respondents have not disputed the lineage of the petitioner. It is also further not disputed that the said entries are sought to be corrected as per revenue record. It is understandable that translation from old revenue record in Urdu language may lead to some inadvertent errors, which are necessary to be rectified in the interest of justice and proper adjudication of the matter. Moreover, learned counsel for the petitioner has stated at bar that the petitioner does not wish to lead any further evidence on the issue. In view of the above facts, objection of the

respondent and observation in the impugned order to the effect that there is contradiction in the evidence led by PW3 Keval Singh that translation was correct, whereas in the application, petitioner has sought amendment due to typographical error, is without merit.

10. Accordingly, the present Revision Petition is **partly allowed** to the extent that petitioner is permitted for amendment as prayed for in the application dated 21.04.2017 (Annexure P-3) only qua correction of name of great grandfather of Sucha Singh as “Jiwan son of Jamita” instead of son of ‘Jhina’; and ‘Shahkot’ mentioned in the plaint to be replaced by “Syalkot” district in Pakistan. As there is no prayer for correction of village “Naggar” with the word “Naggaur”, hence, the same cannot be granted.

11. Pending application(s) if any also stand(s) disposed of.

18.05.2026

Divyanshi

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(NIDHI GUPTA)
JUDGE