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

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CR-4679-2019 (O&M)

Date of decision: 17.03.2026

Vinod Kumar

...Petitioner(s)

Vs.

Harjit Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanjeev Sharma, Senior Advocate with
Mr. Jugansh Goyal, Advocate and
Mr. Vivek Kathuria, Advocate
for the petitioner.

NIDHI GUPTA, J.**CM-21139-CII-2025**

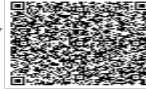
This is an application under Section 151 CPC for placing on record the lower Court record pertaining to Civil Suit No. 41 of 2017 filed before Civil Judge (Junior Division), SAS Nagar Mohali as Annexure P-7.

2. Heard.

3. Application is allowed; and the lower Court Record is taken on record as Annexure P-7, subject to all just exceptions. Registry is directed to tag the same at appropriate place.

CR-4679-2019 (O&M)

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the plaintiff/decreed holder seeking setting aside of the order dated 06.04.2019 (Annexure P-6) passed by learned Civil Judge (Junior Division), SAS Nagar in EXE-155-



2018; whereby application filed by the petitioner/decreed holder under Sections 151, 152 and 153 CPC for correction of particulars of the defendant/judgment-debtor, has been dismissed by the learned Executing Court.

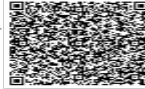
2. It is *inter alia* submitted by learned Senior Counsel for the petitioner that it is only in the Memo of Parties as mentioned in the plaint (Annexure P-1) that name of the defendant has been inadvertently wrongly mentioned to be Harjeet Singh S/o Sohan Singh R/o Ballomajra, Tehsil & District SAS Nagar; whereas the same should be Harjeet Singh S/o Sajjan Singh R/o Ballomajra, Tehsil & District SAS Nagar having second address as R/o village Hansali, Fatehgarh Sahib.

3. Learned Senior Counsel contends that the same is merely a typographical and clerical error. Therefore, in terms of provisions of CPC, the same is liable to be corrected. In support, learned Senior Counsel for the petitioner relies upon judgment of Karnataka High Court in **Kamalavva vs. Veerabhadrappa, 2014 SCC OnLine Kar 1080.**

4. Heard. Perused.

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

22.12.2016: Plaintiff/petitioner had filed a Civil Suit dated 22.12.2016 (Annexure P-1) for possession and injunction through specific performance of Agreement to Sell dated 10.11.2014 (Annexure P-2). Inadvertently, in the memo of parties to the suit, particulars of the sole defendant were mentioned by the petitioner as: Harjeet Singh S/o Sohan Singh R/o Ballomajra, Tehsil & District SAS Nagar.



18.05.2017: When this error came to the notice of the petitioner while effecting service of summons on the defendant, petitioner duly provided correct particulars of the defendant as follows: Harjeet Singh S/o Sajjan Singh R/o Ballomajra, Tehsil & District SAS Nagar having second address as R/o village Hansali, Fatehgarh Sahib.

Pursuant thereto, following Service Report dated 18.5.2017, was received from the Process Server:

"It is submitted that in compliance of orders of this Hon'ble Court I visited the given address and enquired about Harjit Singh son of Sajjan Singh s/o Sarvan Singh, where his son Daljinder Singh affixed his signatures on the summons and told that Harjit Singh is missing for the last about one and a half years. Report is submitted please.

*Amritpal Singh
18.05.2017"*

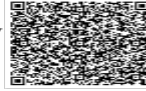
19.5.2017: In the meantime, Service Report dated 19.05.2017 in respect of notice issued to incorrect address of the defendant as mentioned in the memo of parties, was also received back to the following effect: -

"Respected Sir

It is submitted that by visiting the given address I asked about Harjit Singh S/O Sohan Singh S/O Sarwan Singh but Lambardar Labh Singh verbally Informed that no such person of above name resides in the village. His signatures were obtained as witness. Report presented please.

*19-5-17
Sd/-
Process Server*

*Sd and stamped/-
(Spot Witness)*



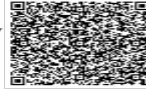
*Labh Singh
(Nambardar)”*

23.08.2017: Thereafter, as defendant failed to put in appearance, Service was sought to be affected upon him through publication. As defendant still failed to appear, defendant was proceeded against ex parte vide order dated 23.08.2017.

5.3.2018: Subsequently, vide exparte judgment and decree dated 05.03.2018 (Annexure P-4), suit of the plaintiff was decreed for specific performance.

30.01.2019: However, inadvertently, petitioner had not filed amended memo of parties; and therefore, the incorrect particulars of the defendant as mentioned in the memo of parties to the civil suit, the same continued to be mentioned in the judgment and decree. This error was discovered by the petitioner at the time of filing of the Execution Petition. Accordingly, Petitioner moved instant application dated 30.01.2019 (Annexure P-5) praying for particulars of the defendant to be corrected by changing father's name; and by adding the second address.

06.04.2019: Vide the impugned order dated 06.04.2019 (Annexure P-6), the said application of the petitioner has been dismissed while holding that it was incumbent upon the petitioner to file application for amendment of particulars at appropriate time; and that correction in particulars of the defendant at this stage “.....will result into transposition of defendant into an entirely new person.....”



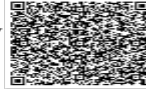
6. It is my view that the abovesaid reasoning of the learned Executing Court is incorrect as necessary information available in case file has been ignored by the said Court while passing the impugned order.

7. The Lower Court Record reveals that in the first instance, the Executing Court has ignored the fact that in the Agreement to Sell dated 10.11.2014/Ex.P-1 name of the defendant is correctly mentioned as Harjit Singh son of Sh. Sajjan Singh son of Sh. Sarwan Singh, resident of Village Hansali, FGS, Khewatdar in V. Ballomajra, Tehsil and District SAS Nagar.

8. In the receipt issued to the defendant for the purchase of the Stamp paper for scribing of the Agreement to Sell dated 10.11.2014, particulars of the defendant are again mentioned as Harjit Singh son of Sh. Sajjan Singh son of Sh. Sarwan Singh, resident of Village Hansali, FGS.

9. In the Jamabandi for the year 2013-2014, Exhibit P2, again, particulars of the defendant are mentioned as Harjit Singh son of Sh. Sajjan Singh son of Sh. Sarwan Singh.

10. Even in the Affidavit of Attendance, Exhibit P3 submitted by the petitioner to prove his presence in the office of the Sub Registrar on the Target Date of 10.11.2016, petitioner has correctly mentioned particulars of the defendant as Harjit Singh son of Sh. Sajjan Singh son of Sh. Sarwan Singh, resident of Village Hansali, FGS, Khewatdar in Village Ballomajra, Tehsil and District SAS Nagar.

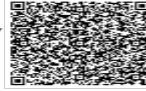


11. It is only in the memo of parties to the plaint that due to typographical/clerical error, name of defendant is inadvertently incorrectly mentioned as Harjit Singh son of Sh. Sohan Singh son of Sh. Sarwan Singh, resident of Village Ballomajra, Tehsil and District SAS Nagar. A bare reading of the above facts shows that it is only the name of the father of the defendant which is incorrectly mentioned; and that too only in the memo of parties in the plaint. However, the above facts have been totally ignored by the learned Executing Court.

12. While passing the impugned order, the Executing Court has also ignored the Service Report dated 18.5.2017 received in respect of Service affected upon the defendant with the correct particulars of Harjit Singh son of Sh. Sajjan Singh son of Sh. Sarwan Singh, resident of Village Hansali, FGS, Khewatdar in Village Ballomajra, Tehsil and District SAS Nagar; to the effect that Daljinder Singh, son of the defendant had reported that his father has been missing for the past 1 1/2 years.

13. Whereas, in respect of Service affected upon the defendant with the incorrect particulars of Harjit Singh son of Sh. Sohan Singh son of Sh. Sarwan Singh, resident of Village Ballomajra, Tehsil and District SAS Nagar, service report dated 19.5.2017 has been received as per which Labh Singh Numberdar of the village has reported that no such person resides in the village.

14. For good measure, it may be pointed out that even in the present case even before this Court, while affecting service upon the respondent with the correct particulars at the second address, Office



Report has been received that respondent has been “*Missing from last 4 years as reported by his son.*”

15. It would therefore appear that the only mistake made by the petitioner was that respondent was summoned without amendment in Memo of Parties. As a result of which, the decree sheet has been issued in favour of Harjit Singh s/o Sohan Singh; thus, necessitating correction thereof for execution of the decree.

16. Accordingly, in terms of judgment of Hon’ble Karnataka High Court in **Kamalavva’s case (supra)**, the said error needs to be corrected as it is held as under: –

“6. As is clear from the aforesaid judgments, all clerical, arithmetical mistakes or errors arising from accidental slip or omission are liable to be corrected under the said provision. Therefore, the said judgment is an authority for the proposition that the Court is duty bound to correct the clerical and arithmetical errors in judgments and decrees and in the pleadings of the Parties also, as neither the mistake committed by the Court nor the lawyer who is an officer of the Court can seriously affect the right of a Party.”

17. Furthermore, perusal of the present Revision Petition shows that in para 13 petitioner has also given following undertaking: -

“13. That the petitioner undertakes that in case the respondent puts appearance in the execution application and moves application for setting aside exparte judgment/decreed, the petitioner shall not object to the said application.”



18. Given the above facts, the present Revision Petition is **allowed**; and order dated 06.04.2019 (Annexure P-6) passed by learned Civil Judge (Junior Division), SAS Nagar, Mohali, is set aside.
19. Pending application(s), if any, also stand(s) disposed of.

17.03.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No