

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-4967-2023 (O&M)

Date of decision: 18.03.2026

M/s. Anil Bros. H/w Paints Store

...Petitioner(s)

Vs.

M/s. Gammon India Ltd. And another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sahil Khunger, Advocate
for the petitioner.

NIDHI GUPTA, J.

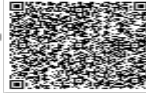
Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the plaintiff seeking setting aside of the order dated 06.05.2023 passed by Ld. Addl. Civil Judge, (Senior Division), Panipat (Annexure P-5); whereby application filed by the petitioner under Order 6 Rule 17 read with Section 151 CPC for amendment of title of the plaint, has been dismissed.

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

Nil: Plaintiff/petitioner had filed a Civil Suit dated nil (Annexure P-1) against the respondents/defendants for recovery of Rs.06,04,425/-.

Nil: Written statement dated nil (Annexure P-2) was filed on behalf of the respondents/defendants.

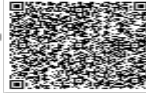
04.05.2023: Plaintiff/petitioner moved instant application dated 04.05.2023 (Annexure P-3) under Order 6 Rule 17 read with Section 151 CPC for amendment of title of the plaint.



Nil: Respondents had filed reply dated nil (Annexure P-4) to the above said application of the petitioner.

06.05.2023: Vide impugned order dated 06.05.2023 (Annexure P-5) said application of the petitioner had been dismissed on the ground that the application seems to be highly misconceived which does not actually explain what plaintiff intends to seek.

3. It is *inter alia* submitted by learned counsel for the petitioner that vide the application at hand, petitioner had merely sought amendment of title of the plaint in respect of the defendants as during the pendency of the suit petitioner had realised that inadvertently in the title of the plaint word “Alternate Address” was mentioned in respect of defendants no.3 and 4. Accordingly, vide the instant application under Order 6 Rule 17 read with Section 151 CPC, petitioner has sought amendment of the title of the plaint. It is submitted that in the plaint, petitioner has categorically mentioned that defendant No.4 was dealing with the petitioner and had purchased paint and hardware items from the petitioner from time to time and all the defendants were responsible for the acts, deeds and worked in the name of the defendant no.1- Company i.e. M/s. Gammon India Limited. Accordingly, vide the present application, petitioner had only wanted to remove “Alternate Address” in the title of the plaint and wanted to submit fresh amended title regarding the same. However, learned Additional Civil Judge has failed to appreciate this fact. It is reiterated that the proposed amendment sought by the petitioner, is only qua removal of the word “Alternate



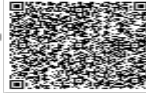
Address". The petitioner has neither challenged the name of the defendants nor their addresses or even the number of defendants as mentioned in the plaint remain the same i.e. defendants No.1 to 4. As such, there was no cogent reason to dismiss the application of the petitioner.

4. In support, learned counsel for the petitioner relies upon judgment of Karnataka High Court in **Kamalavva vs. Veerabhadrappa, 2014 SCC OnLine Kar 1080.**

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

6. Heard. Perused.

7. Perusal of the order sheet shows that notice in the present case was issued by Predecessor Bench vide order dated 14.09.2023 whereby it was further directed that "Proceedings may go on but the final order shall not be passed." Thereafter, office report was received that the respondents stood served however, none appeared. As such, vide last order dated 04.09.2025, fresh notice was issued to the respondents; in respect of which office report dated 18.03.2026 has been received to the effect that "*fresh notice issued to the respondents received back served.*" Yet, none has appeared on behalf of the respondents. As such, it is clear that the respondents are not interested in pursuing the present case. Accordingly, they are proceeded against *exparte* and matter is being heard and decided in their absence.



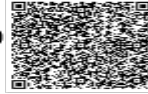
8. It is the case of the petitioner that vide the present application, petitioner is only seeking amendment in the title of the plaint. It has been stated that inadvertently, in respect of defendants no.3 and 4, petitioner has mentioned them under 'Alternate Address'; whereas, they are sought to be pleaded as independent defendants in their own right as petitioner has business dealings with them.

9. I find merit in the said contention of the petitioner as the same is substantiated from the averments made in the plaint/P-1. In paras 2 and 3 of the plaint, it is stated as follows: -

"2. That the defendant no. 1 is the Limited Company which is managed by the defendant no. 2 under the name and style of M/s Gammon India Ltd. and whereas you defendant no. 3 is the branch office situated in Delhi and the defendant no. 4 is the local address of the defendant no. 1 situated in Panipat. All the work done by the defendant no. 4 are being managed and controlled by defendant no. 1, 2, 3 and all the defendants work under the name and style M/s Gammon India Ltd.

3. That the defendant no. 4 does all the works at the behest and on the instructions of the defendant no. 1, 2 and 3 and the defendant no. 4 has business dealing with the plaintiff and has purchased the paint and hardware items from the plaintiff from time to time. All the defendants are responsible for the acts, deeds and work done in the name of the defendant company i.e. M/s Gammon India Ltd."

10. From the above reproduced averments made in para 2 and 3 of the plaint, it is clear that the said "Alternate Address" as mentioned in the title of the plaint, is merely inadvertent error as the plaintiff has



business dealings with defendants No.3 and 4 as well. From the averments made in the body of the plaint, it is clear that the plaintiff had in actual fact, impleaded defendants in their individual capacities; and the word “Alternate Address” has been inadvertently incorrectly mentioned in the title of the plaint qua defendants no.3 and 4.

11. To my mind, learned Trial Court was in error in not permitting the plaintiff to carry out the said amendment as the same would remove the anomaly and better explain the averments made in the plaint. From the averments made in the plaint, it is clear that the plaintiff has individual business relations with defendants No.3 and 4. Thus, the impugned order dated 06.05.2023 cannot be sustained.

12. During arguments; as also in the notice of motion order dated 14.09.2023, learned counsel for the petitioner has further submitted that *“He restricts his claim to amendment of the title of the plaint wherein 04 defendants were impleaded and he would not implead the 5th defendant as was there in the amended title filed before the trial Court.”*

13. 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.”

14. Accordingly, in view of the facts and legal position noted above, the present Revision Petition is **allowed**; and order dated 06.05.2023 passed by Ld. Addl. Civil Judge, (Senior Division), Panipat (Annexure P-5) is set aside.

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

18.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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