

CR No. 5391 of 2025 (O&M) -1-

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5391 of 2025 (O&M)
DATE OF DECISION: 12.08.2025

SUNITA

.....PETITIONER

Vs.

NARESH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

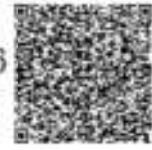
Present: Mr. Vikas Kumar Gupta, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. The prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 19.07.2025 (Annexure P-5) passed by the learned Civil Judge (Senior Division), Garhshankar, in Civil Suit No. 897 of 2018 titled *Naresh vs. Sunita and another*, whereby the application moved by respondent No. 1–plaintiff under Order VI Rule 17 of the Code of Civil Procedure, 1908 (“CPC”) was allowed.

2. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

3. In brief, the fact are that respondent No. 1–Naresh, son of Ream Ji Dass, filed a suit for specific performance of an agreement dated 12.09.2014, seeking a direction to defendant No. 1–revisionist to execute a legal and valid sale deed in his favour in respect of land measuring 9 marlas, after adjusting earnest money of ₹15,00,000/- already received by



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the defendants. The plaintiff also sought a declaration that the transfer deed dated 02.05.2017 allegedly executed by defendant No. 1 in favour of defendant No. 2, and the consequent mutation No. 15209, are illegal, null, and void, or in the alternative, a decree for recovery of ₹30,00,000/-.

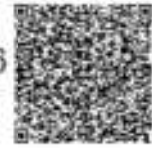
3.1 A written statement was filed by defendant No. 1—Sunita. Thereafter, during the pendency of the suit, respondent No. 1—Naresh moved an application under Order VI Rule 17 CPC read with Section 151 CPC, which was allowed vide order dated 19.07.2025 (Annexure P-5), now under challenge.

4. Learned counsel for the revisionist-petitioner submitted that relief for rectification of an instrument cannot be granted unless specifically claimed. It was argued that the amendment sought to substitute Khasra No. 53//10/1/2/1 (3-5) in place of 53//10/1/2 (3-5) amounted to altering the nature of the case, and therefore should not to have been allowed.

5. In view of the order proposed to be passed, notice to the respondents is dispensed with so as to avoid delay and additional expense.

6. Upon consideration, this Court finds that if, at the time of execution of the agreement to sell, a mistake occurred in mentioning the Khasra number—writing 53//10/1/2 (3-5) instead of 53//10/1/2/1 (3-5)—such correction does not change the nature of the case. On the contrary, proper adjudication can only take place if the pleadings correctly reflect the subject matter.

7. Accordingly, this Court finds no merit to challenge the order dated 19.07.2025 (Annexure P-5). Finding no illegality therein, the present



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revision petition, being devoid of merit, is dismissed.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 12, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No