



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

CR-6019-2022(O&M)

Date of Decision: May 14, 2025

Amarjit Singh through LRs and another

...Petitioners

Versus

Gujjar Singh through LRs

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Dinesh Kumar, Advocates
for the petitioners.

ARCHANA PURI, J.

Challenge in the present petition is to the order dated 27.09.2022 passed by learned trial Court in CMA-26-2020, titled 'Amarjit Singh and another vs. Gujjar Singh'.

Perusal of the impugned order reveals that an application under Section 152 read with Section 151 CPC was filed for rectification of clerical/mathematical mistake in the judgment and decree dated 17.04.1972 passed in Civil Suit No.331 of 21.03.1972, which related to the land to the extent of 6/35 share out of land measuring 10 Biswas bearing Khewat No.324/298, Khatauni No.466, comprised in Khasra No.1227/0-10 and to the extent of 2/5 share out of land measuring 10 Bighas 4 Biswas baring Khewat No.526/492, Khatauni No.769, comprised in Khasra No.1123/0-16,

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1125/1-18, 1126/4-14, 1123 min/2-16 and to the extent of 1/2 share out of land measuring 11 Biswas bearing no. Khewat No.551/511 Khatauni No.798 comprised in Khasra No.1711/0-11 situated at village Lasso, Tehsil Malerkotla.

Keeping in view the nature of the order passed by learned trial Court, the revision petition is being considered, without issuance of notice to the respondent.

Learned counsel for the petitioner heard.

As culled out from the paperbook, petitioners Amarjit Singh and Malkiat Singh had filed a suit for declaration against Gujjar Singh, to the effect that father of the parties to the suit, namely Gujjar Singh was owner in possession of the suit land along with other land. The said civil suit was filed on the basis of the family settlement, which took place in the year 1972, vide which, Gujjar Singh gave the suit land as well as land mentioned in the head note of the application to the petitioners and in that suit, Gujjar Singh admitted the family settlement, on the basis whereof, the suit was decreed. However, it is now claimed in the application that in the judgment and decree dated 17.04.1972, a clerical/mathematical mistake took place, with regard to the omission of land to the extent of 6/35 share, out of the land, as detailed aforesaid and the other land to the extent of 2/5 share, out of land measuring 10 Bighas 4 Biswas, the detail whereof, is also given aforesaid. It was on the basis of admitting the family settlement made by Gujjar Singh, the suit was decreed.

However, it is pertinent to mention that the judgment and decree in



question was passed on 17.04.1972. The application for seeking rectification of clerical mistake was contested by the respondent. From the contents of the reply, as reproduced in the impugned order, it is evident that the civil suit was filed by petitioner No.1-Amarjit Singh and petitioner No.2-Malkiat Singh for declaration and permanent injunction bearing No.84 of 01.06.2013, alleging similar facts, wherein, stay application was dismissed. An appeal was filed to challenge the same, which was also dismissed and thereupon, finally the suit was dismissed and the appeal filed, to assail the judgment of dismissal, was also further dismissed.

It is evident from the impugned order that said Gujjar Singh had died and after his death, besides the present petitioners, Amar Kaur and Bachan Kaur, daughters of Gujjar Singh, had also inherited the land, through mutation of inheritance No.7234 dated 26.08.2011. However, Bachan Kaur had not been made party in the said application.

Considering the same and also considering the petitioners having not come forward, within appropriate time, the application, as such, was declined by learned trial Court, while also observing that there is no mention regarding the land or share regarding which, the petitioners-applicants are claiming correction in the judgment and decree dated 17.04.1972 and thus, it was held that there is no typographical mistake in the judgment and decree dated 17.04.1972.

It is very true that the Court has wide powers to make correction in the judgment, if so called upon, which are clerical or mathematical mistakes. However, this omission, as such, the petitioners

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assert, cannot in any manner, be said to be clerical mistake, more particularly, when on the basis thereof, further suit was filed, which has since been dismissed. Even, one of the sister has not been made party. The application is also hit by delay and laches.

Considering the same, the impugned order, as such, do not warrant interference, while exercising the revisional jurisdiction.

Hence, the revision petition sans merit and is hereby dismissed.

May 14, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No