



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-7515-2019 (O&M)

Date of Decision: August 07, 2025

Smt. Mahinder Kaur (since deceased) through her LR'sPetitioner

Vs.

Manjit Singh and ors.Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Puneet Jindal, Sr. Advocate assisted by
Ms. Malvi Aggarwal, Advocate
for the petitioner.

Mohd. Yousuf, Advocate
for respondent Nos. 1, 2, 4 and LR's of respondent No. 10.

Mr. R.S. Bajaj, Advocate
for respondent Nos. 3 and 9.

Mr. Rahul Bansal, Advocate
for respondent Nos. 5 to 8.

SUDEEPTI SHARMA J. (Oral)

1. Challenge in the present petition is to order dated 08.11.2019 (annexure P-5) and order dated 08.11.2019 (Annexure P-5/A) passed by learned Civil Judge (Jr. Divn.) Jalandhar, whereby the learned trial Court has dismissed two applications filed by the petitioner/defendant No. 6 one application is under the provisions of Section 151, 152 and 153 of CPC and another application is under Order 6 Rule 17 of CPC for correction of description of petitioner/defendant No. 6 in the array of parties in the plaint as well as in the preliminary decree dated 05.08.2008 and also for correction in the relief clause as well as in the body of judgment whereby the share of petitioner/defendant No. 6 was inadvertently left out without there being any finding against petitioner/defendant No. 6.



2. Learned senior counsel for the petitioner contends that admittedly the petitioner who is defendant No. 6 in the suit for partition, is daughter of Atma Singh and wife of Gurbax Singh and the learned trial Court wrongly dismissed the application for correction in the name of the father and husband of the petitioner in the memo of parties.

3. He further contends that it is admitted fact that the petitioner was one of the defendant in the suit i.e defendant No. 6. and property was distributed in equal shares amongst all the Class I legal heirs of Atma Singh. The petitioner/defendant No. 6 is one of Class I legal heir of Atma Singh, therefore, the learned trial Court without appreciating the facts, wrongly dismissed the application under Order 6 Rule 17 of CPC. He therefore prays that the present petition be allowed.

4. Learned counsel for respondent Nos. 1, 2, 4 and LR's of respondent No. 10 contends that both the applications have rightly been dismissed. He, therefore prays for dismissal of the present revision petition.

5. On the other hand, learned counsels appearing for respondent Nos. 3 and 9 and respondent Nos. 5 to 8 supports the case of the petitioner.

6. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

7. A perusal of the file shows that admittedly petitioner i.e Smt. Mahinder Kaur (since deceased) is daughter of Atma Singh and wife of Gurbax Singh. So far as correction in the name of the father and husband of the petitioner in the memo of parties is concerned, it is admittedly a clerical mistake which can be rectified. Otherwise also under Section 151 CPC, inherent powers can be exercised for rectification, which could not cause any prejudice to the respondent.



8. So far as other application filed under Order 6 Rule 17 CPC is concerned, the same has rightly been dismissed by observing that if the amendment is allowed, new controversy would arise which would require fresh trial and fresh evidence. Liberty is granted to the petitioner to avail remedy as is available to them in accordance with law.

9. In view of the above, the revision petition is partly allowed and order dated 08.11.2019 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.) Jalandhar is set aside. The name of father and husband of the petitioner is rectified from Mahinder Kaur daughter of Gurbax Singh to Mahinder Kaur daughter of S. Atma Singh and wife of Gurbax Singh.

August 07, 2025

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No