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

CR-8201-2019 (O&M)

Date of Decision : 17.07.2025

Lakhmi ... Petitioner(s)

Versus

Surat Singh @ Sher Singh & Anr ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vivek Singla, Advocate for the petitioner.

Mr. Satpal Bhasin, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the impugned order dated 09.12.2019 (Annexure P-6) whereby the application filed by the plaintiff-respondents under Order 47 Rule 1 of the Code of Civil Procedure, 1908 (CPC) has been allowed by the Trial Court.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondents filed a suit for possession and mandatory injunction. During the pendency of the said suit, an application was filed by the plaintiff-respondents for impleading Sujjan Singh son of Chander Singh as a party. It was stated in the application that though it had been stated in the written statement that Sujjan Singh was a co-sharer, however, it had not been stated as to which land was purchased by him. It was only when the defendant-petitioner led his evidence and produced a certified copy of the sale deed dated 28.02.1995 as Ex.D2 that it became clear that Lakhmi Chand and Sujjan Singh both had purchased the land comprised in Rect. No.40//2/1/1 measuring 0-17 marlas

out of 1 kanal 14 marlas. It was further stated that Suresh Kumar son of Sujjan Singh also appeared as DW4 and deposed in his examination-in-chief (Ex.DW4/A) that the defendant-petitioner and his father Sujjan Singh had purchased the plot from Satbir and had taken possession at the spot. It was, therefore, prayed that Sujjan Singh be also impleaded as a party. Reply was filed to the said application and vide the order dated 20.09.2019 (Annexure P3) the application was dismissed.

3. Thereafter an application was filed under Order 47 Rule 1 of CPC for reviewing the order dated 20.09.2019 wherein two facts were stated. Firstly, that the presence of the counsel was wrongly mentioned, and secondly that the Court had treated the application as an application filed by Sujjan Singh himself however the said application was filed by the plaintiff for impleading Sujjan Singh as a party. Reply was filed to the said application and vide the impugned order the application was allowed and accordingly the order dated 20.09.2019 was reviewed and the application under Order 1 Rule 10 of CPC was allowed. Aggrieved by the same, the present revision petition has been preferred.

4. Learned counsel for the defendant-petitioner would contend that no review was maintainable in the present case as there was no error apparent on the record and it is only in a case where the error is apparent on the record that the Court has the power to review. In support of his contentions, the learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **S. Murali Sundaram Vs. Jothibai Kannan & Ors. [2023 (2) RCR (Civil) 111]**. Learned counsel would further contend that if the order sought to be reviewed is erroneous, the same cannot be a ground for review

and only an appeal would be maintainable.

5. *Per contra* the learned counsel for the plaintiff-respondents would contend that in the present case the Trial Court had misread the contents of the application under Order 1 Rule 10 CPC treating it to be an application by the applicant - Sujjan Singh himself - whereas the application had been filed by the plaintiff-respondents for impleading Sujjan Singh as a party on the ground that he was also a co-sharer. Learned counsel would further contend that the said fact came to the notice of the plaintiff-respondents when the sale deed was produced on the record by the defendant-petitioner showing that Sujjan Singh was also a co-sharer. Learned counsel has further contended that in the present case there is an error apparent on the face of the record and, hence, the judgment relied upon by the learned counsel for the defendant-petitioner would not be applicable.

6. I have heard the learned counsel for the parties.

7. In the present case the judgment relied upon by the learned counsel for the defendant-petitioner in the case of **S. Murali Sundaram** (supra) would not be applicable to the facts of the present case. The said judgment holds that in a given case where no error is apparent on the face of the record, no review would be maintainable. It has further been held that the petitioner cannot be permitted to reagitate and reargue questions which have already been addressed and decided. In the present case the error is apparent on the face of the record inasmuch as the application under Order 1 Rule 10 of CPC was filed by the plaintiff-respondents herein. The Trial Court in the order dated 20.09.2019 dismissing the application under Order 1 Rule 10 CPC treated it to be an application filed by Sujjan Singh and holding that the

plaintiff-respondents are masters of the suit and *dominus litis* and that the plaintiff-respondents had only filed the suit against Lakhmi hence it remained unexplained as to why Sujjan Singh wanted to be impleaded as a party. The order dated 20.09.2019 suffers from an error which is apparent on the face of the record inasmuch as the application itself was totally misread by the Trial Court. When an error is apparent on the face of the record, provisions under Order 47 Rule 1 of CPC can always be resorted to. The present is one such classical case.

8. In view of the above, no fault can be found with the impugned order 09.12.2019 (Annexure P6). The present revision petition being devoid of any merit is, accordingly, dismissed. Pending applications, if any, also stand disposed off.

17.07.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO