

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

CR-7267-2025 (O&M)
Date of Decision: 14.10.2025

JYOTI DHAWAN

....Petitioner

Versus

FAUJDAR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

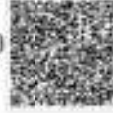
Present: Mr. A.P. Kaushal, Advocate
for the petitioner.

Parmod Goyal, J. (Oral)

Petitioner/plaintiff is aggrieved by impugned order dated 20.09.2025 (Annexure P-7), passed by the Court of learned Civil Judge (Junior Division), Ludhiana, vide which application under Order VI Rule 17 CPC read with Section 151 CPC for amendment of plaint moved by petitioner/plaintiff was dismissed. Petitioner/plaintiff vide his application for amendment had sought the following two amendments :-

- a. *The head note, para No.1 and prayer clause of the plaint the words “Khasra No.12//15” may be substituted with the word “Khasra No.12//5”.*
- b. *The head note, para No.1 and prayer clause of the plaint the words “North: Neighbourer Ad. 25’ ” may be substituted with the word “North: Street 20’ wide Ad. 25’ ”.*

3. However, vide his amended plaint, petitioner/plaintiff added two amendments, one that sale deed dated 14.08.1996 is illegal, null and



void and that he is owner of suit property vide sale deed dated 16.03.2015.

4. As far as sale deed dated 16.03.2015 is concerned, plaintiff had duly mentioned the same as sale deed dated 16.03.1995 and is only wanting to correct the date and asserts that he does not want to lead any evidence as same is a typographical mistake.

5. Regarding amendment concerning sale deed dated 14.08.1996, learned Court of first instance had found that claim being raised by way of challenging the sale deed dated 14.08.1996 is time barred, as plaintiff is challenging the aforesaid sale deed belatedly in the year 2025 by way of present amendment.

6. It is worth noticing that learned Court of first instance has duly noticed that plaintiff was fully aware about the existence of sale deed dated 14.08.1996 since 2004 and, therefore, on the date of filing of the present suit, plaintiff/petitioner was aware about the existence of sale deed dated 14.08.1996 and accordingly, since the claim being sought to be amended was beyond limitation of period of 3 years, the application under Order VI Rule 17 CPC was rejected. I do not find any error in this regard.

7. It is admitted fact between the parties that plaintiff/petitioner was well aware about the existence of sale deed dated 14.08.1996, however, he did not challenge the same when the suit was filed in 2015. Petitioner had knowledge of sale deed dated 14.08.1996 since 2004 as noticed in Para No.9 of the impugned order. Plaintiff/petitioner was aware about the existence of sale deed dated 14.08.1996 since 2004 which he could have challenged within three years from the date of knowledge. At this stage, present



amendment is beyond limitation.

8. Coming to second plea taken by the plaintiff/petitioner that sale deed was wrongly mentioned as sale deed bearing No.4190 dated 16.03.1995 whereas it ought to have been No.41210 dated 16.03.2015 and Khasra No.12/15 be corrected as 12/5.

9. It is the case of plaintiff/petitioner that the date and number of sale deed as well as Khasra number of properties was wrongly mentioned in the plaint on account of typographical mistake and this needs to be corrected. I find merit in the contention raised by learned counsel for petitioner that learned Trial Court ought to have considered this aspect of the case, however, perusal of impugned order goes to show that learned Trial Court has not given any finding as to whether the amendment as regards to Khasra number, number of sale deed as well as date of sale deed was on account of some typographical mistake or was intentional. Accordingly, it would be appropriate to relegate the plaintiff/petitioner to approach the learned Trial Court. Learned Court of first instance shall be free to consider plea regarding amendment based upon plea of typographical mistake and pass a speaking order. Matter is remanded back on this limited issue.

10. Petition is accordingly dismissed subject to above observations.

14.10.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No