



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-5026-2025 (O&M)

Date of Decision: September 16, 2025

JAGDEEP SINGH AND ORS.

.....Petitioners

Vs.

GAMDOOR SINGH AND ORS.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajiv Kataria, Advocate
for the petitioners.

SUDEEPTI SHARMA J. (Oral)

1. Present revision petition is filed for setting aside order dated 08.01.2025 passed by learned Addl. District Judge, Mansa whereby application of the petitioners under Section 152 CPC for rectifying clerical mistakes, was dismissed. Further prayer of the petitioners is to allow the said application dated 25.09.2024 for rectification in the judgment and decree dated 01.02.1997 passed by the then Additional District Judge, Mansa in C.A.D No. 3 of 31.05.1994.

2. Learned counsel for the petitioners contends that the learned Additional District Judge, Mansa, vide its impugned order dated 08.01.2025 has dismissed the application filed by the petitioners on the ground that the previous application filed by the petitioners in the year 2018, was dismissed in default for non appearance of the applicant and his counsel, vide order dated 18.07.2024. He further contends that the application which was dismissed in default in the year 2024 was never decided on merits, therefore, *res judicata* would not be applicable and the petitioners can file another application with the same prayer.

3. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.



4. A perusal of the file shows that the petitioners filed application under Section 152 CPC for rectification of clerical mistakes by way of amendment in the judgment dated 01.02.1997 passed by the then learned Addl. District Judge, Mansa in CAD No. 3 of 31.05.1994. However, the learned Addl. District Judge, Mansa dismissed the same on the ground that previously first application was filed on the same cause of action in the year 2018, which was dismissed in default for non-appearance of the applicant and his counsel, vide order dated 18.07.2024. Thereafter, the petitioners filed second application without getting the first application restored under Section 152 CPC for rectifying the clerical mistakes by way of amendment in the judgment dated 01.02.1997 passed by the then learned Addl. District Judge, Mansa in CAD No. 3 of 31.05.1994.

5. It would be apposite to reproduce the relevant portion of the impugned order dated 08.01.2025:-

“3. Perusal of the present application reflects that alongwith the present application, photocopy of the judgment dated 01.02.1997 has been attached which reflects that Teja Singh and Nek Singh has been stated to be sons of Bagga Singh. Further said judgment is also accompanied with decree which reflects that Teja Singh and Nek Singh sons of Bagga Singh. It is pertinent to mention that there is no such decree as alleged by the applicant is attached with the present file from where it could be perused that the Taia Singh and Nek Singh has been mentioned sons of Chhoto daughter of Bagga Singh

4. It is pertinent to mention that it is admitted fact that applicants has earlier filed one application for the same cause i.e. CM-151 of 2018 and said application has been dismissed in default for non-appearance of the applicant and his counsel vide order dated 18.07.2024 The certified copy of the said order is also attached with the present application. On the query put by the Presiding Officer, Id.



Counsel could not satisfy that how the present application is maintainable for the correction in the judgment passed by the then Addl. District Judge in an appeal after lapse of almost 27 years. Further Id. Counsel could not satisfy that how the present second application is maintainable qua to the same cause regarding which earlier application has already been dismissed in default.

5, So, in these circumstances, this Court is of the considered opinion that the applicant through his counsel could not satisfy the court regarding maintainability of present application after lapse of about 27 years and even there is no such alleged judgment and decree passed by the Id. Civil court is attached to which Id. Counsel wants this court to peruse as mentioned in the para No.2. Accordingly, present application being devoid of any merits is hereby dismissed. File be consigned to the record room.”

6. A perusal of the above shows that application is filed after a lapse of approximately 27 years without moving an application under Order 9 Rule 13 for restoration of the earlier application, which was dismissed in default on 18.07.2024

7. In view of the above, I do not find any infirmity in order dated 08.01.2025 passed by learned Addl. District Judge, Mansa, which is well reasoned.

8. Accordingly, the present revision petition is dismissed being devoid of any merit.

9. Pending application (s), if any also stands disposed of.

September 16, 2025

Gaurav Arora

**(SUDEEPTI SHARMA)
JUDGE**

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