

MPC 2/26
SANDEEP Vs. STATE

18.02.2026

Present: Sh. Daood Ahmed, Ld. counsel for applicant/petitioner alongwith applicant/petitioner in person.

Arguments heard.

Put up for orders on 4:00 PM.

(Abhishek Srivastava)
District Judge-05,
Central, THC, Delhi
18.02.2026

At 4:00 PM

Present: Sh. Daood Ahmed, Ld. counsel for applicant/petitioner alongwith applicant/petitioner in person (through VC).

1. This is an application under Section 152 read with Section 151 CPC for correction in judgment dated 22.07.2025 passed by this Court in PC No. 38/2021 and letters of administration dated 08.10.2025.

2. Relevant facts as stated in the aforesaid application are noted hereinbelow;

(a) That the applicant herein had filed a petition under Section under Section 276 of the Indian Succession Act, 1925 seeking grant of probate/letters of administration in respect of Will dated 10.12.2012 executed by Late Sh. Roshan Lal son of Late Hazari Lal Gupta in his favour. The petition was registered as PC No. 38/2021.

(b) That the said petition having PC No. 38/2021 was allowed by this Court and letters of administration was directed to be issued in favour of the applicant/petitioner in respect of immovable property i.e. one room on the first

floor having a carpet area of about 190 square feet (13 square yards), part of the property bearing No. 3699 to 3701, First Floor, situated at Kucha Challan, Near Moti Mahal Restaurant, Netaji Subhash Marg, Darya Ganj, Delhi- 110006 forming part of the estate of deceased testator Late Sh. Roshan Lal Gupta (henceforth referred as “subject property”) on completing the necessary formalities vide judgment and order dated 22.07.2025.

(c) That the applicant/petitioner accordingly filed a miscellaneous application having MPC No. 32/2025. The said miscellaneous application was disposed of by this Court vide order dated 24.09.2025. This Court had directed that necessary certificate in terms of judgment and order dated 22.07.2025 passed in PC No. 38/2021 be issued in favour of the applicant/petitioner. Letters of administration was issued on 08.10.2025 to the applicant/petitioner.

(d) That on receiving the letters of administration issued on 08.10.2025, the applicant/petitioner noticed that there was typing/clerical mistake in area of property of deceased (subject property), wherein the same was written as “**190 square feet (13 square yards)**” instead of “**109 square feet (13 square yards)**”. The said mistake was then also observed in judgment dated 22.07.2025 passed in PC No. 38/2021.

(e) That the applicant/petitioner in PC No. 38/2021 has filed photocopy of sale deed dated 05.02.1992 whereby the deceased testator had become the absolute owner of the subject property. The copy of sale deed dated 05.02.1992 was exhibited as **Ex.PW1/8 (OSR)**. In the said sale deed the area of the subject property was shown as 109.05 square feet.

(f) That the deceased testator in the Will dated 10.12.2012 (Ex.PW1/5) has mentioned the area of subject property as 13 square yards.

(g) That the applicant/petitioner in para 11 of the petition (filed in PC No. 38/2021) mistakenly written/pleaded the area of subject property as 190

square feet (13 square yards) which led the error in the judgment dated 22.07.2025 passed in PC No. 38/2021 and subsequently in the letters of administration issued on 08.10.2025.

(h) It is accordingly prayed that area of the subject property be corrected as **“109 square feet (13 square yards)”** in place of **“190 square feet (13 square yards)”** in the judgment dated 22.07.2025 passed in PC No. 38/2021 by this Court (wherever the same has appeared) and in the letters of administration dated 08.10.2025.

3. Heard. Record perused.

4. Ld. counsel for the applicant/petitioner has submitted that the subject property is 13 square yards which is equivalent to 109 square feet. Mistakenly in para 11 of the petition (in PC No. 38/2021) the area of subject property has been written/pleaded as 190 square feet (13 square yards).

5. As already noted, the deceased testator in the Will dated 10.12.2012 (Ex.PW1/5) has mentioned the area of the subject property as 13 square yards.

6. This Court is of the considered view that in order to avoid any confusion, the area of the subject property can be referred in square yards only and there is no need to refer the area of the subject property in square feet. The description of the subject property may as such be read as **one room on the first floor having a carpet area of about 13 square yards, part of the property bearing No. 3699 to 3701, First Floor, situated at Kucha Challan, Near Moti Mahal Restaurant, Netaji Subhash Marg, Darya Ganj, Delhi- 110006 forming part of the estate of deceased testator Late Sh. Roshan Lal Gupta.**

7. In the considered view of this Court the said mistake has been resulted purely due to clerical and typographical error which this Court, as per the provisions of Section 152 CPC, is well within its power to correct the same either on its own motion or on an application moved by the parties.

8. Accordingly, the judgment dated 22.07.2025 passed in PC No. 38/2021 and letters of administration dated 08.10.2025 are corrected to the limited extent that the phrase “190 square feet” appearing in para Nos. 3(c), para 19 and letters of administration dated 08.10.2025 shall stand deleted.

(emphasis supplied)

9. The present misc. application filed on the section 152 read with Section 151 CPC is disposed of.

10. Misc. file having MPC No. MPC 02/26 be consigned to Record Room after due compliance.

10. Copy of this order be placed in files having MPC No. 32/25 and PC No. 38/21 and thereafter, same be consigned to Record Room.

(Abhishek Srivastava)
District Judge-05,
Central, THC, Delhi
18.02.2026(kd)