

Narender Thakur Vs. Hans Raj Sood

Cr. MMO No. 766 of 2025

12.12.2025 Present: Mr. Anirudh Sharma, Advocate, for the petitioner.

None for the respondent.

Power of Attorney on behalf of the respondent has not been filed.

Prima facie, it appears from the complaint (Annexure P-6) and the affidavit annexed thereto that one Hem Raj Sood son of Devi Saran Sood, aged about 70 years, resident of Village and P.P. Kumarhatti, Tehsil and District Solan, HP had sworn an affidavit. He was identified by some Aditya Thakur, Advocate before the Oath Commissioner.

Subsequently, an application for correction of the name of the complainant was filed by substituting the name of Hem Raj Sood by Hans Raj Sood claiming that name of Hem Raj Sood was mentioned inadvertently due to *bona fide* mistake, and he had died on 4.3.2010 which application was allowed by learned Chief Judicial Magistrate, Solan, HP on 3.7.2025.

The averments in the petition and the documents annexed thereto reflect an attempt to impersonate Hem Raj Sood and when the real facts were

brought to the notice of the Court to get away by saying that this was merely a clerical error, which *prima facie* cannot be accepted as correct, because the Oath Commissioner attesting the affidavit is supposed to administer the oath to the deponent and get the contents of the affidavit affirmed on oath as per the judgment of Hon'ble Supreme Court in *M. Veerabhadra Rao v. Tek Chand, 1984 Supp SCC 571*. Therefore, the matter requires thorough consideration.

Let record of the learned Trial Court be requisitioned and the matter be listed for hearing on **8.1.2026**.

(Rakesh Kainthla)
Judge

12th December, 2025
(Chander)