

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

(114)

**CR No.4648 of 2015 (O&M)
Decided on: July 27, 2015.**

Ami Pal

.... Petitioner

Versus

Jarnail Singh (deceased) through LRs

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Pankaj Jain, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

This is defendant's revision petition against order dated 14.05.2015 permitting the LRs of plaintiff-respondent Jarnail Singh to be impleaded through their special power of attorney holder.

Learned counsel for the petitioner has submitted that the authenticity of the special power of attorney and the existence and authority of the LRs of plaintiff to pursue the litigation against the defendant-petitioner has not been decided by the trial Court as required under Order 22 Rule 5 CPC.

I have heard learned counsel for the petitioner and gone through the nature of the litigation pending between the parties.

Jarnail Singh plaintiff (since deceased) had filed a suit for specific performance against the defendant-petitioner for enforcement of the rights under an agreement of sale dated 01.07.2010 executed by the defendant-petitioner pertaining to agricultural land mentioned in the heading of the plaint on receipt of earnest money of Rs.42,13,000/- by the

defendant-petitioner. The trial Court while allowing the application of the impleadment of LR's of plaintiff-respondent, on the objections of the defendant-petitioner, has safeguarded the rights of the defendant-petitioner to contest the claim of the LR's of plaintiff holding the special power of attorney holder responsible for the consequences in case any illegality is committed by him.

In view of the said circumstances, I do not find any ground to interfere in the impugned order.

This petition is dismissed without prejudice to the rights of the defendant-petitioner to contest the impleadment of alleged LR's of Jarnail Singh through special power of attorney executed by them and the authenticity to the special power of attorney held by Gurnek Singh on behalf of the LR's.

(M.M.S. BEDI)
JUDGE

July 27, 2015
harsha