

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4738 of 2015

Date of Decision.30.07.2015

Harmohinder Singh Johal

.....Petitioner

Versus

Paramjit Singh Johal and others

.....Respondents

Present: Mr. Malkeet Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner is aggrieved that the issue relating to validity of the power of attorney has been wrongly cast on the plaintiff. When the plaintiff says that there was no power of attorney and the defendant asserts that the transaction of sale by the father of the plaintiff was on the basis of power of attorney, the issue could have been only cast as under:-

“ Whether the power of attorney dated 10.12.1986 true, valid and genuine as contended by the defendant ? OPD”

2. The matter of how an issue shall be framed is invariably the Court's duty and I do not think the defendant can, in any way, be prejudiced by recasting the issue in the manner that it ought to be done. I dispense with notice to the respondents and modify the issue as above.

3. The petitioner has also a grievance about the manner of

how the Court has dealt with the subject of sending a document to the expert. It cannot be brought in the same civil revision. It will be open for the petitioner to come with an independent revision petition and if such a petition is filed, it will be considered on its own merits.

4. With these observations, the civil revision is disposed of.

(K. KANNAN)
JUDGE

July 30, 2015
Pankaj*