

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

CR No.7046 of 2014

Date of decision: 08.05.2015

Sushil Swaich

.... Petitioner

Versus

Harchand Singh Gill

..... Respondent

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

Present: Mr. R.S. Thakur, Advocate for the petitioner.

Mr. Sudhir Sharma, Advocate for the respondent.

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

This revision petition is filed by the tenant petitioner against the order dated 24.09.2014 vide which the application filed by the tenant-petitioner objecting to the maintainability of ejectment petition filed by Special Power of Attorney claiming that he was not authorized to file cases on behalf of the landlord-respondent Harchand Singh Gill, was dismissed by the Rent Controller holding that it cannot be presumed that Special Power of Attorney has been given to the petitioner only to pursue the case and not for filing the case.

Learned counsel for the petitioner has contended that the Special Power of Attorney of the landlord-respondent did not have any locus standi to file the petition for ejectment as it has not been specifically mentioned in the Special Power of Attorney that he is authorized to file ejectment petition.

I have heard the learned counsel for the parties and have gone through the registered Special Power of Attorney executed by Harchand Singh Gill in favour of Varinderdeep Singh Gill and Japinder Singh Gill who happens to be his grandsons. Perusal of Annexure P-5 indicates that

authority has been given to Varinderdeep Singh Gill and Japinder Singh Gill to let out the property on rent, to any person, receive rent, execute or register the rent deed, pay/deposit taxes and to pursue and defend any pending or future cases relating to the tenanted premises. The Rent Controller has interpreted the dictionary meaning of the word 'pursue' to be good enough to include filing of ejectment petition.

Learned counsel for the petitioner has placed reliance on judgment in *Pardeep Kumar Mehta Vs. Smt. Harbhajan Kaur and others*, 2011(3) PLR 803 in support of his contention that when there is no specific power mentioned in the power of attorney for specific acts, the person appointed cannot compromise the matter as per Order 23 Rule 3 CPC. There is no doubt regarding the said proposition but the said judgment is not applicable to the facts of the present case as the Special Power of Attorney specifically authorized Varinderdeep Singh Gill and Japinder Singh Gill to pursue or defend any litigation pertaining to the tenanted premises.

In view of the above, no ground is made out for interference.

Dismissed.

However, it is observed that it will always be open to the respondent to object to the maintainability of the petition by taking up the said plea in the written statement which can be adjudicated at the time of final decision of the rent petition.

Nothing said in this order will prejudice the case of either party at the final stage.

(M.M.S. BEDI)
JUDGE

May 8, 2015
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