

CR No.8141 of 2015 and

CR No.7500 of 2015

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

1. CR No.8141 of 2015

Date of decision:02.12. 2015

Baltej Singh and another

-Petitioners

Versus

Hem Raj Aggarwal

-Respondent

2. CR No.7500 of 2015

Baljinder Kaur and another

-Petitioners

Versus

Hem Raj Aggarwal

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Jain, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Vide this common order two revision petitions are
being disposed of i.e. **CR No.8141 of 2015** titled as ***Baltej***

Singh and another Vs. Hem Raj Aggarwal and **CR No.7500**

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of 2015 titled as **Baljinder Kaur and another Vs. Hem Raj**

Aggarwal

[2]. The facts are being taken from CR No.8141 of 2015.

[3]. Petitioners have assailed the order dated 21.09.2015 passed by Additional Civil Judge (Senior Division), Dhuri vide which application of the defendants-petitioners seeking abatement of the suit on account of death of Subhash Kumar attorney holder of the plaintiff has been dismissed.

[4]. Learned counsel states that after the death of Subhash Kumar, none appeared on behalf of plaintiff for a period of six months and thereafter, Rajesh Kumar Aggarwal son of Hem Raj Aggarwal on the basis of enduring power of attorney of his father Hem Raj Aggarwal further appointed one Keshav Goel to represent the cause in the suit in the trial Court. According to learned counsel, enduring power of attorney executed by Hem Raj Aggarwal in favour of his son does not authorise his son to appoint sub power of attorney in India. Further enduring power of attorney in favour of Keshav Goel has virtually included all the affairs to be managed by this attorney in respect of property of Hem Raj Aggarwal.

[5]. Trial Court dismissed the application on the ground that plaintiff has sought declaration in the suit seeking nullification of sale deed No.459 dated 25.05.2007 registered on 15.06.2007 executed by Darshan Singh in favour of defendants

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being attorney. Said attorney claimed to be forged and fabricated. Since the entire controversy is revolving around validity of attorneys who has represented the cause of Hem Raj Aggarwal at different stages, therefore, *de hors* the observations recorded by the trial Court, it would be in fitness of things for the petitioner to raise this issue at the relevant stage including filing of any such application seeking framing of preliminary issue in respect of maintainability of the suit or *locus standi* of the person representing cause of the plaintiff being attorney.

[6]. In view of aforesaid observations, I do not find any merit in this revision petition because appointment of attorney is only for the purpose of progress of the suit. At this stage, validity of attorney or otherwise cannot be commented upon.

Disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

December 02, 2015
prince