

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 506 of 2015 (O/M)
Date of decision : 12.10.2015

Jagdish Parshad and another Appellants

Versus

Vikas Kumar and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Kaura, Advocate, for the appellants.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Impugned in the present regular second appeal is the order 11.11.2014, passed by the learned Additional District Judge, Sirsa, affirming the judgment and decree dated 17.1.2012, passed by the learned Additional Civil Judge (Senior Division), Ellenabad, vide which the suit of the plaintiffs was dismissed.

The plaintiffs had sought the declaration to the effect that the order dated 20.10.2005, passed by defendant No. 4 (respondent No. 4 herein)-Joint Sub Registrar, Ellenabad, refusing the registration of the sale deed dated 18.6.1999 executed by defendant No. 2 on behalf of defendant No. 1, regarding land measuring 15 marlas being ½ share of land measuring 1 kanal 10 marlas is null and void and liable to be set aside. The mandatory injunction was

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also sought directing respondents No. 3 and 4 to register the sale deed.

I have heard the learned counsel for the appellants and have also carefully gone through the file.

It comes out that when the sale deed was executed by defendant No. 2 on behalf of defendant No. 1 on the basis of special power of attorney No. 27 dated 2.6.1999, the original owner Vikas Kumar addressed a letter to the Sub Registrar that no sale deed should be registered without his personal appearance. The said special power of attorney was later on cancelled on 5.5.2005. Later on, the impugned order was passed, refusing to register the sale deed. The defendant had taken the stand in the written statement that his partner Ram Lal had obtained his signatures on some blank papers on pretext of getting loan limit sanctioned. He had further claimed that he was abducted and kept in custody and his signatures and photographs were obtained. When these are the allegations, the Sub Registrar insisted that in view of the letter of the original owner, the original owner should be produced for verification as to whether he had actually executed the special power of attorney out of his free will or not. When the said special power of attorney is doubtful, the Joint Sub Registrar, Ellenabad, was justified in refusing the registration of the sale deed. If the plaintiffs claim that the power of attorney was validly executed and they have got vested rights on

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the basis of special power of attorney, it is always open to them to seek appropriate relief against the original owner, but they cannot compel the Joint Sub Registrar, Ellenabad, to register the sale deed in the given circumstances.

Learned counsel for the appellants contends that there is huge delay to claim any relief before any other forum.

In that event, it shall always be open to the appellants to plead the condonation of delay on the ground of pendency of the present litigation.

The present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

12.10.2015
sjks