

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

C.R. No.2149 of 2016

Date of Decision.31.03.2016

Dinesh Saran (since deceased) through LRs

.....Petitioner

Vs.

Pranav Shefali Trust and others

.....Respondents

Present: Mr. A.S. Narang, Advocate
for the petitioner.

Mr. Amit Jain, Advocate
for the caveators/respondents.

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 brings to challenge a power of attorney which was produced before the court and written statement filed by a person claiming to be an agent of the petitioner. At the previous occasion when a revision petition had been brought before this Court, there was a direction given to the trial Court to consider whether the power of attorney was genuine and whether the statement already filed could be acted upon in the manner in which it is purported to have been filed at the instance of the petitioner. The Trial Court has now allowed for evidence to be given on the power of attorney and it appears that the petitioner has also examined an expert to say that the signatures were already there in the stamp paper and the type-written material has been made over the signature in two places. The Court has discarded

the evidence of the expert and has affirmed the power of attorney as genuine. The petitioner is aggrieved against the same.

2. I informed the counsel that it will be difficult to enter into pure issue of fact and appreciation of evidence brought at an interlocutory stage in suit, in revision and it will be better for the petitioner to run through the trial and if the ultimate dispensation in suit is against him, he could challenge the correctness of the order passed by the Court at the interlocutory stage as a ground of appeal as provided under Section 105 of the Civil Procedure code. The counsel for the petitioner states that if such a liberty were to be given to him, he will not press for further arguments in civil revision on merits.

3. The revision petition is disposed of as not requiring any adjudication, reserving to the petitioner the liberty of challenging the correctness of the order in appropriate proceedings in the manner permitted by law. The revision petition is disposed of as above.

(K. KANNAN)
JUDGE

March 31, 2016
Pankaj*