

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

CR No.493 of 2016

Date of decision : 22.03.2016

Manvir Singh

...Petitioner

Versus

Ramandeep Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Sunil Kumar, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the dismissal of the application filed under Order 1 Rule 10 CPC in a suit for declaration, whereby following relief has been claimed:-

“Suit for declaration that plaintiff is owner and in possession of shop shown in red colour in the plan measuring 8'x16' which comes to 128 sq.ft. and forms part of khasra No.14//9/2 and 10/1, situated at Village Mithapur, Jalandhar and same is bounded as under:-

East: Road

West: Remaining property of plaintiff

North: Gali

South: Remaining property of plaintiff

And

The General Power of Attorney propounded by defendant No.1, allegedly executed by the plaintiff in his favour in respect of the shop detailed above is the result of fraud, practiced by defendant No.1 in collusion with the Deed Writer and the marginal witnesses as such the same is not at all binding on the rights of plaintiff.

And

The sale deed dated 15.12.2009 having Vasika No.7026 executed by defendant No.1 in respect of the shop in dispute claiming himself to be attorney of the plaintiff vide General Power of Attorney dated 10.12.2009 is illegal, null and void, inoperative qua the rights of the plaintiff and is not binding on the plaintiff.”

Mr. Sunil Kumar, learned counsel appearing on behalf of petitioner submits that Pritpal Singh-defendant No.2 who acquired the right by virtue of the sale deed dated 15.12.2009 had further given a attorney to Charanjit father of the petitioner and on the basis of the same, he vide sale deed dated 09.11.2012, sold the shop in dispute to the petitioner and, therefore, valuable right had accrued as the title and interest in the property is involved and in such circumstances, application was moved but same has erroneously been dismissed.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that petitioner would not be able to seek declaration vis-a-vis other ownership acquired by virtue of sale deed dated 09.11.2012 and though he is entitled to seek remedy independently such as by filing of suit or otherwise and thereafter to seek clubbing of the same with the present suit for factual and proper disposal of the controversy vis-a-vis

property in dispute.

In view of aforementioned observation, impugned order is affirmed.

No ground for interference is made out as order is not erroneous or suffering from material illegality.

Dismissed.

22.03.2016

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**(AMIT RAWAL)
JUDGE**