

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.5312 of 2016

Date of decision: 22.08.2016

**Dhir Singh**

..... Petitioner

**Versus**

**Intime Promoters Pvt. Ltd. and others**

..... Respondents

**CORAM : HON'BLE MR.JUSTICE ARUN PALLI**

Present : Mr. Robin Singh Hooda, Advocate for the petitioner.

**ARUN PALLI, J. (Oral)**

Vide order being assailed dated 16.07.2016, rendered by the Civil Judge (Jr. Divn.), Sonapat, application moved by the petitioner-plaintiff to direct defendant No.2, who purports to be his general power of attorney, to produce the G.P.A. No.20 dated 18.05.2005, in original, has since been dismissed.

In a suit filed by the petitioner, he has assailed the sale deed No.3360 dated 13.06.2005, which is alleged to have been executed by defendant No.2-Rama Nand Sharma, who is alleged to be his general power of attorney, and also the G.P.A dated 18.05.2005, being null and void, for the petitioner never executed any such document.

Vide an application moved by the petitioner, defendant No.2, was required to produce the original power of attorney so as to enable the petitioner to get his thumb impressions compared with the thumb

impressions that are affixed upon the said document.

In response, respondents maintained that the general power of attorney was furnished in the Tehsil, and thus, they were not in a position to produce the said document.

That being so, the trial Court dismissed the application, for the defendants had denied to be in possession and custody of the said document. However, liberty was granted to the petitioner to summon the requisite record from the Tehsil, to prove his case.

Learned counsel for the petitioner could not point out as to how, once the defendant No.2, had denied to be in custody and possession of the general power of attorney dated 18.05.2005, he could still be forced to produce the same. And also, as to how the conclusion arrived at by the trial Court was erroneous and suffered from any material illegality.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction. The petition being devoid of merit is accordingly, dismissed.

22.08.2016

Manoj Bhutani

**(ARUN PALLI)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No