

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

RSA No.1608 of 2016 (O&M)
Date of Decision :22.04.2016

Jitender Singh

.....Appellant

Versus

Kalyan Singh and another

.....Respondents

Coram Hon'ble Mr. Justice Amol Rattan Singh.

Present: Mr.Keshav Partap Singh, Advocate, for the appellant.

Mr.Hitesh Chauhan, Advocate, for
Mr.Vishvajeet Singh, Advocate, for the respondents.

Amol Rattan Singh, J.

In terms of the order dated 11.04.2016, respondent No.1- Kalyan Singh is again present in Court with his identity card issued by the Unique Identification Authority of India, showing his date of birth therein to be of the year 1984, thereby, making him to be about 32 years of age now. By appearance also he looks to be above the age of 18 years. The photograph in the identity card also matches the person and he is also identified by his counsel.

The appellant-Jitender Singh is also present in Court, identified by his counsel. He has also produced his identity cards, one issued by the Unique Identification Authority of India and the other in the shape of his driving licence, showing his date of birth to be 16.04.1977. The copies of the same have been retained on the case file.

Learned counsel for the appellant submits that the matter having been compromised between the parties as per a compromise deed, a copy of which is annexed as Annexure A-1 herewith, the

judgments and decrees of the Courts below, holding the sale deed executed by the respondents in favour of the appellant on 27.06.2003, to be declared null and void, be set aside.

Upon perusal, the said judgments and decrees are shown to have been passed, on the ground that the respondent-plaintiff Kalyan Singh was less than 18 years of age on 08.08.2002, when he executed a power of attorney in favour of respondent No.2- Raghuvender Singh (defendant No.1 in the suit filed by the present respondent) and as such, the said power of attorney was invalid.

Consequently, the sale deed executed by Raghuvender Singh in favour of the present appellant, was also declared to be null and void.

Having considered the above and having also ascertained from the respondent-plaintiff, Kalyan Singh, that the compromise deed has been entered into with no undue influence or coercion and that he has received Rs.12 lacs further, by way of consideration for the suit land, the judgments and decrees of the Courts below are hereby set aside. The appeal is consequently disposed of in terms of the compromise entered into between respondent-plaintiff, Kalyan Singh and appellant-defendant No.2(Annexure A-1 with the appeal). The decree sheet be drawn up, accordingly.

22.04.2016
anil

(Amol Rattan Singh)
Judge