

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.1460 of 2015 (O&M)

Date of Decision: September 19th, 2016

Mohinder Singh

...Appellant

Versus

Ranjit Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.G.L.Bajaj, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

CM No.4090-C of 2015

For the reasons mentioned in the application, which is supported by an affidavit, delay of 9 days in filing the appeal is condoned.

CM stands disposed of.

RSA No.1460 of 2015

Appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby the suit seeking declaration that the sale deed No.311 dated 12.4.2004 executed by defendant No.1 in favour of defendant No.2, registered sale deed No.2620 dated 27.5.2004 executed by defendant Nos.1 and 6 in favour of defendant Nos.3 to 5 regarding the suit land and the Power of Attorney given in favour of defendant No.1 by defendant No.7, allegedly executed in pursuance to the loan taken from defendant No.7 has been misused, whereas there was no intention/power to sell the property and the consequential relief of injunction restraining the defendants from taking

forcible possession, has been dismissed.

Mr.G.L.Bajaj, learned counsel for the appellant-plaintiff submits that umpteen number of documentary evidence has been placed on record, much less contents of the power of attorney to show that there was no intention to sell. Once the agent had exceeded the jurisdiction, his action was liable to be set-aside. All these factors have have not been taken care of, resulting into erroneous and perverse findings.

I have heard the learned counsel for the appellant-plaintiff, appraised the paper book and of the view that the alleged power of attorney dated 19.6.2003 was cancelled in 2006, whereas the suit was filed in 2004, i.e., on 3.11.2004. In my view, it was an afterthought. Had it been so, the appellant would have taken some course on the criminal side before filing of the suit. In my view, the contents of the attorney reveal that the power to sell has been given. The appellant-plaintiff has failed to prove that the sale consideration has never been received by him. Filing of the suit is an act of aggrandizement. Both the Courts below have appreciated the evidence both oral and documentary and declined the relief.

I do not intend to differ with the concurrent findings, as the same are based on appreciation of oral and documentary evidence. No substantial question of law arises for determination. No case for interference is made out.

Appeal stands dismissed.

September 19th, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No