

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

RSA No.3541 of 2016 (O&M)

Date of decision : 26.07.2016

Mohan Singh through SPA Harpal Kaur

...Appellant

Versus

Sohan Singh and another

...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. D.K. Raheja, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is aggrieved of the judgment and decree passed by both the Courts below, whereby the claim in the suit seeking declaration of the alleged compromise dated 26.02.2008 executed between Mohan Singh and Sohan Singh-defendant No.1 (both brothers) in respect of passage existing in the suit property bearing khewat No.358, Khatauni No.428, Khasra Nos.23//23/2/2(0-6), 24/1/2(0-11), 30//3/1/2/1(0-8), 4/1/1/2(2-17), situated at Village Khamanon Kamli, Tehsil Khamanon, District Fatehgarh Sahib has been dismissed primarily on the ground that the plaintiff has not stepped into the witness-box but attorney Harpal Kaur.

Mr. D.K. Raheja, learned counsel appearing on behalf of

appellant submits that non-appearance of the principal would not be fatal to the case. Both the Courts below have erroneously non-suited the plaintiff and thus urges this Court for formulation of the substantial question of law as culled out in the memorandum of appeal.

I have heard learned counsel for the appellant and appraised the paper book and of the view that there is no force in the submission of Mr. Raheja, for, it is settled law that person who has entered into agreement is a principal but executes attorney in favour of the agent. Agent would not have knowledge with regard to the agreement. It would be principal who has to depose. Aforementioned view of mine is fortified from judgment rendered by Hon'ble Supreme Court in *Man Kaur (Dead) by LRs Vs. Hartar Singh Sangha, 2011(1) RCR (Civil) 189* as well as judgment relied by the trial Court i.e. *Janki Vashdeo Bhojwani and another Vs. Indusind Bank Ltd. and others, 2005(2) Civil Court Cases Page 324 (SC)*.

In view of the aforementioned fact, suit has rightly been dismissed by both the Courts below.

No ground for interference is made out, much less, no substantial questions of law arises for determination.

Dismissed.

26.07.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned: Yes

Whether reportable:- Yes/No