

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

CR No.1087 of 2017.

Date of Decision: 15.02.2017.

Ranjit Singh

....Petitioner.

VERSUS

Suinderpal Singh and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Inderjit Singh Brar, Advocate for
Mr. Iqbal Singh Mann, Advocate for the petitioner.

SNEH PRASHAR, J.

The petitioner is aggrieved of the order dated 19.12.2016 vide which the application under Order 7 Rule 11 of the Code of Civil Procedure filed by the petitioner was dismissed by learned Additional Civil Judge (Senior Division), Sri Muktsar Sahib.

The submissions made Mr. Inderjit Singh Brar, learned counsel representing the petitioner have been considered.

Learned counsel for the petitioner submits that respondent No.1-plaintiff had concealed that he is no longer the owner of the suit property and had no cause of action to file the present suit. He had transferred the suit property in the name of his sons who are both residing in Australia. Therefore, the suit filed by him was not maintainable.

There appears no merit in the argument of learned counsel for

the petitioner since from the impugned order passed by learned trial Court it

transpires that respondent No.1-plaintiff had filed a suit for permanent injunction restraining the defendants (petitioner and proforma respondents No.2 to 4) from dispossessing him illegally and forcibly. The mutation with regard to exchange of land between respondent No.1-plaintiff and his sons was sanctioned after filing of the instant suit. The respondent-plaintiff had placed on record copy of Power of Attorney dated 11.05.2016 executed by Sandeep Singh, one of his son in his favour. Even if the plaintiff-respondent No.1 is no longer owner of the suit property by virtue of the mutation sanctioned in favour of his sons, yet based on the Power of Attorney executed by one of his sons in his favour, he continues to have locus standi to file the suit and pursue the same.

Thus, there being no illegality or perversity warranting interference in the order of learned trial Court, the petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

15.02.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**