

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.2952 of 2015

Date of Decision: 28.08.2017

Sonia through her Attorney Malkiat Singh Saini .....Petitioner

Vs.

Surjit Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present:-** Mr.Ashok Singla, Advocate, for  
Mr.Aakash Singla, Advocate, for the petitioner.

Mr.Sandeep Bansal, Advocate, for  
Mr.Aman Kashyap, Advocate, for respondent No.1.

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**RITU BAHRI, J. (ORAL)**

The present revision has been filed for quashing of order dated 08.04.2015 (Annexure P-5) passed by the learned Addl. District Judge, Sonapat, vide which application (Annexure P-3) filed by the petitioner for grant of stay has been declined.

Vide judgment dated 19.03.2015 (Annexure P-1), the suit of the plaintiff-Surjit Kaur has been decreed for possession directing the defendants No.1 and 2 to hand over the physical vacant possession of the suit properties to plaintiff within two months and further a declaration to the effect that the sale deeds No.8827 and 8828 both dated 09.02.2010 as well as General Power of Attorney dated 21.12.2009 were illegal, null and void and not binding upon the rights of the plaintiff. After passing the said decree, an appeal was filed before the Civil Judge, Sonipat, in which an application (Annexure P-3) was made by the defendants for staying the operation of the impugned order till the disposal of appeal. This application was dismissed vide impugned order dated 08.04.2015.

The dispute in the present case is with regard to sale deed dated 09.02.2010 as well as General Power of Attorney dated 21.12.2009. While,

decreeing the suit of the plaintiff, it was held that the sale deed executed on the basis of General Power of Attorney dated 21.12.2009 was without any sale consideration. Defendant No.1 is the father-in-law of defendant No.2 i.e. Sonia who is resident of USA. Application is Surjit Kaur wife of defendant No.1 O.P.Saini. The suit of the plaintiff has been decreed on the ground that she had purchased the suit property vide sale deed dated 08.01.2002 (Ex.P1) and 16.11.1983 (Ex.P2) and hence, she was competent to deal with the property in the manner she like.

Learned counsel for the petitioner has referred to the orders dated 29.04.2014 (Annexure P-6) and contends that at this stage, the trial Court after framing the issues, recorded the evidence of plaintiff-Surjit Kaur and closed the evidence and adjourned the suit for 23.07.2014 for recording the evidence of defendants and on 09.03.2015 (Annexure P-1) the suit of the plaintiff has been decreed. The argument of the counsel for the petitioner is that the date of framing of issues, the evidence of the plaintiff was closed which was looked into by the learned appellate Court at the stage of final stage. However, It has been rightly observed that suit property has been purchased by the plaintiff vide sale deeds dated 18.01.2002 (Ex.P1) and 16.11.1983 (Ex.P2) and self acquired properties of the plaintiff. Subsequently, she had executed a will dated 21.12.2009 in favour of her three sons and her husband i.e. defendant No.1. Further the bone of contention between the parties was General Power of Attorney dated 21.12.2009 allegedly executed by plaintiff in favour of defendant No.1 in favour of her husband i.e. defendant No.2. The trial court had also observed while decreeing the suit that will dated 21.12.2009 was registered Will in favour of her three sons and her husband and after registration of will there was no occasion for the plaintiff to execute and get registered General Power of Attorney dated 21.12.2009 on the same day qua the suit properties in favour of defendant No.1. Even Om Parkash

by defendant No.2 Sonia to defendant No.1 at the time of purchase of the suit properties. Hence, due to lack of evidence of payment of sale consideration by defendant No.2 to defendant No.1, the application for interim stay has been rightly declined by the trial Court.

So in the light of the discussion, the orders of the trial Court does not reflect any material irregularity or perversity which warranting interference. Hence the present revision stands dismissed.

(RITU BAHRI)  
JUDGE

28.08.2017  
*anil*

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |