

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

**RSA No.2781 of 2013 (O&M)
Date of Decision:28.08.2017**

Shingara Singh

...Appellant

Versus

Harpreet Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satinder Khanna, Advocate
for the appellant.

Mr. Rajdeep Chugh, Advocate for
Mr. H.S. Kathpal, Advocate
for the respondent.

ANIL KSHETARPAL, J.

CM No.10250-C-2013

Application is for permission to lead additional evidence so as to produce the original power of attorney along with the certificate of identity and attested copy of the passport. The registered power of attorney is dated 22.11.2008 whereby Smt. Baldev Kaur Atwal had authorized Shingara Singh Gill to supervise, manage, maintain the property, file and defend the litigation. Photocopy of the power of attorney is already placed before the trial Court.

In these circumstances, the application for additional evidence is allowed and power of attorney is taken on record.

Main case:

Defendant-appellant is in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff-respondent filed a suit for permanent injunction restraining the defendant from interfering in the peaceful possession of the plaintiff over plot measuring 1300 square yards comprised in Khasra

No.3223 situated in village Gill. Plaintiff had claimed that she purchased the suit land through registered sale deed dated 13.01.2006 from Dhanwant Kaur, Surinder Kaur and Baldev Kaur. The aforesaid sale deed was executed by one Sh. Amritpal Singh, Attorney of the aforesaid three ladies.

Defendant appeared and filed the written statement asserting that Amritpal Singh was not competent to execute the sale deed as no power of attorney was executed in favour of Amritpal Singh and power of attorney dated 03.05.2005 is forged and fabricated.

Learned trial Court after appreciating the evidence available on the file held that the plaintiff is entitled to injunction as the sale deed in her favour has not been challenged.

The appeal filed by the defendant was also dismissed after reappreciating the evidence available on the file.

Learned counsel for the appellant has submitted that the attorney in favour of Amritpal Singh has not been proved on the file and therefore, the suit filed by the plaintiff could not be decreed. He further submitted that the plaintiff had purchased share out of bigger area and, therefore, plaintiff could not maintain a suit for permanent injunction.

I have considered the submissions. Plaintiff has placed on record the registered sale deed dated 13.01.2006. The registered sale deed has a presumption of truth. It is not in dispute that the aforesaid registered sale deed has not been challenged by the vendors. In these circumstances, mere non-production of general power of attorney in evidence would not improve the case of the appellant. The present suit is only for injunction. The question of title is not being adjudicated upon. Plaintiff is proved to be in possession.

With regard to the second argument, it may be noted that the defendant-appellant does not claim to be co-sharer or co-owner in the

property. Defendant-appellant is only an attorney of one of the original owners, who had sold the property through registered sale deed.

Still further, the plaintiff has been sold specified area of land measuring 1300 square yards. She is in possession of the same. It is not a case of agricultural land. In these circumstances, there is no force in the second argument of the learned counsel for the appellant.

For the reasons recorded above, I do not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

All the miscellaneous applications shall stand disposed of in accordance with the judgment passed above.

28.08.2017
Parveen kumar

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No