

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

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**RSA-5178-2013 (O&M)
Date of Decision : 17.04.2018**

Surinder Kumar

..... Appellant

Versus

Smt. Raj Kumari

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Aayush Gupta, Advocate
for the appellant.

Mr. Ashish Aggarwal, Sr. Advocate
with Mr. Govind Chauhan, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit for specific performance filed by the respondent.

The case of the respondent was that she had entered into an agreement to purchase the plot in dispute of the appellant in the year 1992. She paid the entire consideration amount and was put into possession. In the year 1999, the appellant also executed a General Power of Attorney in favour of the husband of the respondent. However, the respondent later came to know that in the year 2006 the appellant had cancelled that General Power of Attorney and consequently it became clear to the respondent that the appellant had developed dishonest intentions and she filed the instant civil suit. The courts below having decreed the suit the appellant is before this Court.

Counsel for the appellant has argued that the agreement was of 1992 and in the evidence the respondent had admitted that immediately after executing the agreement the appellant had refused to execute the sale deed. Consequently, as per the counsel for the appellant the limitation period started from the date of refusal and the suit which was filed in the year 2008 was not maintainable.

Learned Senior Counsel for the respondent has however argued that the period of limitation has to be seen from the stand point of the execution of General Power of Attorney and the cancellation thereof because once the appellant had executed the General Power of Attorney in favour of the husband of the respondent after having received full payment and having put the respondent in possession there could have been no doubt in the mind of the respondent about the intention of the appellant and the doubt came to the mind of the respondent only on the cancellation of the General Power of Attorney and from that date the suit was within limitation.

I find myself in agreement with the arguments of learned Senior Counsel for the respondent.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

April 17, 2018
ashish

(AJAY TEWARI)
JUDGE

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