

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

-:-

RSA No. 3416 of 2016 (O&M)

Date of decision: 20.08.2018

Baldev Singh

... Appellant.

Vs.

Md. Ramjan & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI.

Present: Mr. Namit Gautam, Advocate, for the appellant.

AJAY TEWARI, J. (Oral)

C.M No. 8990-C of 2016

For the reasons mentioned in the application, the same is allowed. Delay of 05 days in filing the appeal is hereby condoned.

C.M stands disposed of.

RSA No. 3416 of 2016

This appeal has been filed against the concurrent findings of Courts below dismissing the suit filed by the appellant wherein he had pleaded that a sale made in favour of respondent No.1 was beyond the share of respondent No.2. The Courts below held that once it was proved that the property still remained joint, the question, whether respondent No.2 had sold more than his share or not, could be determined only during partition and consequently dismissed the suit.

The only argument raised by the learned counsel is that the power of attorney was cancelled on 13.11.1997 but the sale deed was executed on 25.11.1997. From the record, however, it is clear that neither it was pleaded that the attorney was informed about the revocation nor was it pleaded that the attorney knew about the revocation.

In the circumstances, no fault can be found in the judgment.

Accordingly, the present appeal is dismissed.

Since, the main case is decided pending civil miscellaneous applications, if any, stands also disposed of.

August 20, 2018
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(Ajay Tewari)
Judge

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No