

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

RSA No.760 of 2016 (O&M)

Date of Decision.29.11.2018

Ram Lata Kalia

...Appellant

Vs

Iqbal Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinay Pandey, Advocate for
Mr. Abhinav Gupta, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming injunction by laying challenge to the General Power of Attorney (GPA) dated 4.7.2000 registered on 06.07.2000 and sale deed dated 16.1.2001 executed by defendant No.1 in favour of defendant No.2 with consequential relief of permanent injunction qua forcible interference in respect of House No.E.G1045/1046 Mohalla Gobindgarh, Jalandhar.

The case set out in the plaint was that plaintiff was in dire need of money and in that regard had approached defendant No.1 for providing financial help and in this regard, he obtained certain thumb impression on the blank papers which were fraudulently converted into GPA and sale deed. The alleged sale consideration never passed on to the plaintiff and therefore, all the transactions were result of fraud and misrepresentation.

The defendants opposed the suit and stated to be volunteer act of the plaintiff.

Mr. Viney Pandey, learned counsel appearing on behalf of the appellant-plaintiff submitted that the sale deed and the agreement to sell had two attesting witnesses namely Shanta Kaushal and Tulsi Ram

and alleged to have been scribed by deed writer Ashok Kumar. The deed writer and one of the attesting witness Shanta Kaushal were given up but Tulsi Ram had not been coherent and consistent and feigned ignorance with regard to signature on the register of the deed writer. The cause of action accrued to the plaintiff only on 16.01.2001 when defendants intended to take forcible possession. The aforementioned sale deed was registered at Phagwara whereas the property in dispute was situated at Jalandhar, therefore, provisions of Section 28 of the Registration Act would apply.

I am afraid aforementioned arguments of Mr. Pandey are not sustainable, as the address given in the GPA is of Phagwara. No direct and cogent evidence has been led to belie the existence of the address reflected therein. The entire cross-examination of Tulsi Ram was read in this Court, except suggestions, nothing contrary surfaced that he had not witnessed the agreement to sell or the same was written on blank papers. The GPA was attested by witnesses but the plaintiff did not dare to summon them as was afraid of the truth.

All these factors weighed in the mind of the Courts below to decline the claim. The arguments of learned counsel for the appellants have not been able to cut ice to bring the case within the realm of illegality and perversity, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 29, 2018
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No