

RSA No. 5573 of 2017(O&M)

Date of Decision: 27.2.2018

Sanjay Kumar

---Appellant

versus

Smt. Krishna Devi and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Ms. Sharmila Sharma, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against consistent findings recorded by the courts below whereby suit for declaration and permanent injunction in respect of plot Nos. 7-8 and 9-10 measuring 457 square yards comprised in killa No. 29/1, situated in the revenue estate of village Chouma, Tehsil and District Gurgaon, Haryana, alleged to be purchased by the appellant on the basis of General Power of Attorney, was dismissed by the trial court and the judgment and decree passed by the trial court have been affirmed in appeal.

The trial court has held that the appellant/plaintiff has not proved the General Power of Attorney, in accordance with law as the original document was not produced before the court nor the appellant sought permission to prove the General Power of Attorney by way of secondary evidence. As soon as the appellant failed to produce and prove the General Power of Attorney basis of the suit, nothing survives of consideration of this court much less the appellant raising a substantial

question of law that requires adjudication by issuing notice to the contesting party.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

27.2.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No