

102 RA-RS-73-C-2018

CM-11099-C-2018
IN RSA-6447-2016

Ram Murti v. Mohan Lal

Present: Mr. Balbir Singh Saini, Advocate,
for the applicant-appellant.

CM-11099-C-2018:

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 5 days in filing the accompanying application for review, is condoned.

RA-RS-73-C-2018:

This is an application seeking review of the order dated 28.05.2018, vide which the judgments and decrees rendered by both the Courts below were affirmed, and the appeal filed by the applicant-plaintiff was dismissed.

In brief, the applicant-plaintiff claimed inheritance qua his share in the estate of late Ajaib Ram, who he claimed to be his father. It is not disputed that respondent-Mohan Lal happened to be the son of the deceased Ajaib Ram from one Laxmi, whereas the applicant purport to have born to late Ajaib Ram from his second wife, namely, Bachni. The claim of the applicant-plaintiff was rejected as he failed to show that Ajaib Ram ever married Bachni or the applicant-plaintiff was son of Ajaib Ram. Post death of Ajaib Ram, his estate was mutated in the name of respondent-Mohan Lal, in the year 1996, and the applicant-plaintiff assailed the said Mutation No. 774, dated 22.04.1996, after 15 years by filing a suit in the year 2011. The main ground upon which the review is being sought is the General Power of Attorney, dated 14.01.1993 (Ex. P-5), alleged to have been executed by late

Ajaib Ram in favour of the applicant, to contend that the said document proves that applicant is the son of the deceased.

A bare analysis of the General Power of Attorney (Ex. P-5) shows that it was executed by Ajaib Ram in favour of Ram Murti son of Ajaib Ram son of Rodhal Ram, but there is not reference or recital therein specifically acknowledging the alleged Ram Murti as son of the executant. None of the attesting witnesses of the document (Ex. P-5) was examined by the applicant to prove that applicant happened to be son of the deceased in whose favour the General Power of Attorney (Ex. P-5) was executed. On being pointedly asked learned counsel for the applicant concedes that applicant never acted on behalf of the deceased to carry out any functions or activities for which the General Power of Attorney (Ex. P-5) was executed.

In conspectus of the above, no ground is made out to review the order dated, 28.05.2018. The application being wholly devoid of merit, is accordingly dismissed.

(ARUN PALLI)
JUDGE

July 27, 2018
P Kapoor