

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1009 of 2020

Date of Decision: 11.02.2020

Narinder Singh

.....Petitioner

Vs.

Ravinder Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vikram Rathore, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned Civil Judge (Junior Division), Faridabad, dated 15.01.2020, by which two applications were disposed of, the first being by the petitioner, seeking that the suit be dismissed on account of the fact that the attorney appointed by way of special power conferred on him by plaintiff no. 2 had died, the 2nd application being one by plaintiff no. 2, to allow plaintiff no. 1 to represent him as his general attorney on the strength of an instrument stated to have been issued for that purpose.

The trial court, after noticing the aforesaid facts, held that it was the special attorney of plaintiff no. 2 who had died, for which reason the suit could not be dismissed (with plaintiffs no. 1 and 2 in any case being very much alive) and with an application having been filed (even though subsequently), seeking that plaintiff no. 1 be allowed to pursue the suit on behalf of plaintiff no. 2 also, as the latters' general attorney.

Consequently, the application of the petitioner seeking dismissal of the suit was dismissed whereas the application filed by plaintiff no. 2 for allowing that he be represented by plaintiff no. 1, was allowed.

Before this court, learned counsel for the petitioner has referred to the application filed by respondent-plaintiff no. 2.

Learned counsel submits that the said application was not even supported by an affidavit of plaintiff no. 2 and therefore the said application could not have been allowed, and consequently, the application of the petitioner seeking dismissal of the suit should have been allowed.

Having considered the aforesaid argument, it is firstly to be noticed that the application before the trial court seeking that plaintiff no. 1 be allowed to pursue the case on behalf of plaintiff no. 2 also, as his General Attorney, is an application shown to be made by plaintiff no. 2 through his General Attorney, i.e. plaintiff no. 1, with a copy of the instrument of power of attorney stated to have been annexed along with the said application itself.

That being so, subject to of course the trial court satisfying itself, of the genuineness and validity of the instrument of power of attorney stated to have been issued by respondent-plaintiff no. 2 (Satyender Singh), in favour of respondent-plaintiff no. 1 (Ravinder Singh), I see no reason to interfere with the impugned order.

Obviously, with the mother of the parties who was the Special Attorney of plaintiff no. 2 having died, the said plaintiff is either entitled to contest the suit on his own or appoint another attorney for that purpose, with he himself stated to be residing in the USA.

He having done so, I see no reason to entertain this petition, which is consequently, dismissed in *limine*.

However, the trial court shall first fully satisfy itself as to the genuineness and validity of the instrument of power of attorney present before it showing the said plaintiff to be appointed as the General Attorney of the 2nd plaintiff.

Since this petition has been dismissed in *limine*, a copy of this order be sent to the trial court by the Registry of this court to ensure that the aforesaid direction is brought to its notice.

February 11, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes