

In the High Court of Punjab and Haryana at Chandigarh

106

RSA-2365-2018 (O & M)

Date of Decision: February 05, 2020

RAJWINDER KAUR

.....APPELLANT

VERSUS

PARAMJIT KAUR AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S. S. Rangi, Advocate and
Mr. Saurav Bhatia, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J (ORAL)

The appellant has challenged the judgments of the Courts below whereby the suit preferred by the plaintiffs/appellant for declaration to the effect that they are lawful owners in possession of the land described therein as well as for permanent injunction restraining the defendants for interfering in their peaceful possession, has been dismissed.

Learned counsel for the appellant contends that the plaintiffs had purchased the suit property through valid sale deeds and, therefore, they were entitled to the declarations sought for in the plaint. He also contends that defendants No.1 and 2 had preferred a civil suit for cancellation of sale deeds which had been dismissed on 17.08.2012.

Heard.

The plaintiffs had filed a suit for declaration with regard to total 35 marlas of land. The suit had been decreed to the extent of 11 marlas of land which they purchased through sale deed bearing No.343 dated 20.04.2009. The defendants did not challenge the findings qua this sale deed. Therefore, these findings have attained finality.

The issue which has arisen in this appeal is with regard to two sale deeds bearing No.370 dated 21.04.2009 and bearing No.397 dated 22.04.2009 for a total of 24 marlas of land. The owners of the land in dispute namely Paramjit Kaur and Kuldeep Kaur (defendants No.1 and 2), who are daughters of one Ajit Singh, had executed general power of attorney bearing No.1989 dated 11.10.2004 in favour of Kuldeep Singh son of Charan Singh. Kuldeep Singh on the basis of this power of attorney No.1989 had executed a special power of attorney bearing No.519 on 20.04.2009 in favour of his brother Mehar Singh. Sale deeds No.370 dated 21.04.2009 and 397 dated 22.04.2009 respectively were executed in favour of the plaintiff No.1/appellant by Mehar Singh for a total area of 24 marlas. However, it is evident from the record that defendants No.1 and 2 had cancelled the special power of attorney No.1989 on 16.04.2009 that is prior to the execution of the sale deeds in question. The revocation of the power of attorney was duly registered.

PW-8 Kuldeep Singh in his deposition had stated that he did not know that the power of attorney had already been cancelled and revoked before the execution of the sale deeds Ex.PW-4/6 and Ex.PW-4/7, meaning thereby, there was no specific denial qua the revocation of the power of attorney in favour of Mehar Singh (PW-6).

Furthermore, another agreement to sell with regard to the suit land measuring 24 marlas was entered between defendants No.3 to 5 with defendant No.8 on 29.03.2004. Civil suit for specific performance had been preferred by defendant No.8 for execution of the sale deeds which had been decreed in his favour on 15.04.2009. This judgment is stated to have attained finality.

Therefore, as it was evident from the material on record that the power of attorney on the basis of which the sale deeds had been entered stood

revoked prior to the execution of the sale deeds in question, I do not find any merit in the instant appeal.

Consequently, the appeal stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 05, 2020
A.Kaundal

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