

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

Sr. No.128

**RSA No.264 of 2021 (O&M)  
DATE OF DECISION: July 08, 2021**

**KANTA JAIN**

**..APPELLANT**

**VERSUS**

**SOMA JAIN AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Jatin Hans, Advocate, for the appellant.

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**SUDHIR MITTAL, J. (ORAL)**

**CM-2024-C-2021**

This application is for placing on record General Power of Attorney (GPA) dated 07.05.2007 as Annexure A-3.

For the reasons stated therein, the same is allowed and Annexure A-3 is taken on record. Exemption sought for is also granted.

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The appellant had filed a suit for declaration, partition with a consequential relief of permanent injunction alleging that GPA dated 07.05.2007 was obtained by way of fraud and sale deed dated 12.12.2007 executed on its basis was illegal and void. Suit was dismissed by the trial Court and the learned First Appellate Court has dismissed the appeal.

The first submission made by learned counsel for the appellant is that the aforementioned GPA was not a registered document and this is

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proved by the letter Exhibit PW3/1 sent by the Sub-Registrar while sending his nominee Shri Arun Kumar Pandey along with the certified copy of the register in which GPAs of the year 2007 were entered. In the document PW3/1, it has been specifically stated that GPA, subject matter of the suit, was never registered. Thus, the Courts below have erred in dismissing the suit.

A copy of the GPA dated 07.05.2007 has been placed on record. I have perused the same and I find that the same is a validly registered document. Thus, the letter Ex. PW3/1 relied by counsel for the appellant is a document contrary to the record and cannot be relied upon.

In view of the above, the second argument raised by learned counsel for the appellant pales into insignificance. It has been argued that the sale deed executed on the basis of GPA was a sham transaction as the appellant did not receive any sale consideration. Once a GPA has been executed, the appellant cannot expect to be paid as sale consideration would have been received upon execution of the said document.

In view of the aforementioned, I do not find any infirmity in the judgments and decrees of the Courts below. The appeal is accordingly dismissed.

**July 08, 2021**

*Ankur*

**(SUDHIR MITTAL)  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No