

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

RSA-1305-2022(O&M)

Date of decision: 05.07.2022

Prem Dass Shant

....Appellant

Versus

Ram Lal Dass and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None

ANIL KSHETARPAL, J (Oral)

Case has been called out twice. Learned counsel representing the appellant did not come forward to assist the Court despite the fact that this appeal was adjourned to today on her request which was made yesterday.

This Court has gone through the paper book. The defendant is the appellant herein. He assails the correctness of the concurrent findings of fact arrived at by both the courts below. Some facts are required to be noticed. The plaintiffs filed a suit for possession of plot No. 997 measuring 30 feet x 58 feet having construction of three rooms bathroom and a boundary wall situated in area of Bhoar Wali Gali, Boota Mandi, Jalandhar, with a consequential relief of permanent injunction. It is the case of the plaintiffs that the property was owned by Smt. Ram Kaur wife of Sh.Tarachand. Upon receipt of the consideration, she executed a General Power of Attorney in favour of Sh.Ajit Kumar son of Sh.Veer Chand on 5th December, 2002. Sh.Ajit Kumar was authorised to appoint sub attorney. Consequently, Sh.Ajit Kumar

executed a special power of attorney in favour of Sh.Sardari Lal on 26th February, 2009, who in turn sold the property to Sh.Karam Chand on 2nd March, 2009. The plaintiff No.1 is the son of Sh.Karan Chand whereas plaintiff No. 2 is his daughter in law. Sh.Karan Chand died on 13th May, 2011 but during his lifetime he sold half share to Smt. Chindo Rani vide sale deed dated 29.08.2012. The appellant is son of Smt. Ram Kaur. He filed a suit for declaration against Smt.Ram Kaur and others which was dismissed on 11.02.2009. The aforesaid judgment was affirmed in the First Appeal vide judgment dated 06.01.2012. However, the appellant took forcible possession and therefore, the plaintiffs filed a suit. Both the courts have decreed the suit after examining the record. It has been found that General Power of Attorney executed by Smt.Ram Kaur in favour of Sh.Ajit Kumar included the power to appoint a sub attorney/special power of attorney. This Court has gone through the grounds of the appeal. On reading thereof, it is evident that only general grounds namely misleading and overlooking of the evidence has been taken without drawing the attention of the Court to any specific instance, have been asserted.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

05.07.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE