

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1746-2012(O&M)

Date of Order: 10.05.2022

Shanti Devi and others

..Appellants

Versus

Vinay Verma

..Respondent

RSA No.3331-2012(O&M)

Shanti Devi

..Appellant

Versus

The Municipal Council, Ambala Sadar, Ambala Cantt
and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravi Kant Sharma, Advocate
for the appellants.

Mr. Amit Jain, Sr. Advocate, with
Mr. Dhruv Mittal, Advocate
for the respondent(s).

ANIL KSHETARPAL, J(Oral)

This order shall dispose of RSA No.1746 and 3331 of 2012, which are inter-se connected. The learned counsel representing the appellants in both the appeals is common.

The plaintiff (Vinay Verma) filed a suit for possession with respect to House No.7, Aggarsain Nagar, Ambala Cantt, measuring 3 marlas on the strength of sale deed dated 19.01.2000. He has stated that the aforesaid house was purchased by him from Smt. Lalit Vikram, who had in turn purchased the property from Smt. Shanti Devi vide registered sale deed dated 23.03.1994. Smt. Shanti Devi had executed the aforesaid sale deed

through her attorney Sh. Sanjay Bhasin. Smt. Shanti Devi had executed a General Power of Attorney in favour of Sh. Sanjay Bhasin, on 11.03.1994. Smt. Shanti Devi (defendant no.1) is the appellant.

Both the Courts on appreciation of evidence, have concurrently found that the plaintiff being owner is entitled to possession. In Regular Second Appeal No.3331 of 2012, Smt. Shanti Devi filed a suit for declaration that she is owner in possession of the aforesaid house. The plaintiff-Vinay Verma in order to prove his case produced sale deed dated 19.01.2000 as also 23.03.1994. The General Power of Attorney executed by Smt. Shanti Devi in favour of Sh. Sanjay Bhasin was also produced. Smt. Shanti Devi never appeared in evidence. Her son Rajesh Kumar appeared on her behalf. Sh. Sanjay Bhasin while appearing as DW1 had admitted his signatures on the sale deed.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the judgments and decrees passed by the Court below.

The learned counsel representing the appellants contends that the sale deed in favour of Lalit Vikram has not been proved. He further contends that the General Power of Attorney dated, 11.03.1994, was never confronted to Smt. Shanti Devi.

The sale deed dated 23.03.1994, is a registered document. Sh. Lalit Vikram is not a party-defendant in the suit. He has also not appeared in evidence. Hence, there was absence of denial from the executant. In any case marginal witness of the sale deed dated 23.03.1994, has been examined as PW6.

As regard the second argument, it may be noted here that Smt.

Shanti Devi did not appear in evidence. She was the best person, who could deny execution of the General Power of Attorney. In any case, Sh. Lalit Vikram is her sister-in-laws's son.

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

Dismissed.

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

May 10, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No