

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

CR-5840-2022(O&M)

Date of decision:-12.12.2022

Gurmail Singh

...Petitioner

Versus

Kulwant Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Harinder Sharma, Advocate
for the petitioner.

H.S. MADAAN, J.

1. This revision petition is directed against order dated 14.10.2022 passed by Additional Civil Judge (Sr.Divn.) - cum- Rent Controller, Mukerian in rent petition titled 'Kulwant Singh Versus Gurmail Singh' vide which application filed on behalf of Sunita Devi being special power of attorney of the respondent/tenant for permission to appear and defend the rent petition was dismissed.

2. Briefly stated, facts of the case are that petitioner/landlord Kulwant Singh had brought an ejectment petition against respondent/tenant Gurmail Singh seeking his ejectment from the shop situated at Ward No.11, Tikhowal Mohalla Market, Hajipur Road, Mukerian, Tehsil Mukerian, District Hoshiarpur. Notice of that ejectment petition was given to respondent/tenant Gurmail Singh. Smt.Sunita Devi wife of respondent/tenant Gurmail Singh filed an application seeking

permission to contest the ejectment petition on behalf of Gurmail Singh claiming to be his special power of attorney holder. That application was opposed vehemently on behalf of the petitioner/landlord.

3. After hearing arguments vide a detailed order dated 14.10.2022, the application was rejected holding that the special power of attorney in favour of Smt.Sunita Devi was with regard to giving authorization to her to file contest a civil suit titled 'Gurmail Singh Versus Kamaljit Kaur' and not to contest the rent petition filed against Gurmail Singh. It being so, Smt.Sunita Devi could not contest the rent petition on behalf of Gurmail Singh on strength of special power of attorney executed by Gurmail Singh in her favour in other civil suit.

4. This order left the respondent/tenant aggrieved and he has filed the instant revision petition.

5. I have heard learned counsel for the revisionist/tenant besides going through the record.

6. I find myself in agreement with the observatories made by learned Rent Controller, Mukerian because the special power of attorney is for the specific purpose of filing a civil suit titled Gurmail Singh Versus Kamaljit Kaur' in Court of Civil Judge at Mukerian and to carry out ancillary acts in that regard. The power of attorney is to be read in entirety and some portions not to be read and interpreted in isolation so as to draw a conclusion that Smt.Sumita Devi is competent to perform all the legal acts regarding the cases filed against Gurmail Singh.

7. Learned counsel for the revisionist has referred to judgment by a Single Judge of this Court in case titled 'Gian Singh Versus Avtar

Singh and others' passed in CR No.451 of 2013(O&M) decided on 21.11.2014. A perusal of the judgment goes to show that facts and circumstances of the case in question were entirely different and so was the context in which such observations had been made. It is difficult to understand as to why Gurmail Singh cannot send a fresh power of attorney in favour of Smt.Sunita Devi or any other person so as to contest the ejectment petition filed against him and he is unnecessarily insisting that special power of attorney executed by him in favour of Smt.Sunita Devi for a specific purpose of filing suit on his behalf against Kamaljit Kaur be allowed to be used for contesting the ejectment petition in hand. He can also interact his counsel telephonically, who can then file a memo of appearance on his behalf undertaking to file a power of attorney in his favour later on.

8. The order under challenge is detailed and well reasoned, based upon proper appraisal and appreciation of the factual and legal position on the subject. Learned Rent Controller, Mukerian had rightly dismissed the application moved by Smt.Sunita Devi. No fault can be found with it.

9. The revision petition stands dismissed accordingly.

12.12.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No