

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

CR-6046-2022 (O&M)

Date of decision: 20.12.2022

Tatvam Ventures Ltd.

...Petitioner

Versus

Ruchika Rawat Gokarn

...Respondent

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

Present: Mr. J.S. Rana, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

An ejectment petition was filed by Mrs. Ruchika Rawat Gokarn against Tatvam Venture Ltd., which was assigned to Civil Judge (Jr. Divn.) Gurugram. On getting notice, the respondent put in appearance and filed an application under Order 7 Rule 11 CPC for rejection of plaint, contending that the petition has been filed by petitioner through her mother Archana Rawat, a Special Power of Attorney holder, who was authorized by that document to carry out transactions relating to lease agreement only and not to file an ejectment petition, therefore, the petition (wrongly mentioned as plaint) be rejected.

The application was opposed by the petitioner. However, the petitioner had submitted an authority letter dt. 18.04.2022 to the effect that she had already authorized her mother vide Special Power of Attorney to sign on her behalf or to appear before concerned authority

and vide that letter, she specifically authorized her to appear, sign plaint, petition, written statements, affidavits, vakalatnama, declaration etc., before any Court or Tribunal with regard to the property and then appoint/engage Advocates etc.

The Rent Controller/CJJD, vide impugned order had dismissed the application. The operative part of the order runs as follows:-

“Arguments heard. The perusal of special power of attorney dated 06.03.2014 clearly shows in para no. 5 “that Archana Rawat authorised her "to do all acts, deeds and things regarding lease agreement of the said property, which may constitute of purchasing stamp paper, and appearing before registrar or sub-registrar, to sign on my behalf or to appear before any other concerned authority on my behalf." This has been further supported by the authority letter dated 18.04.2022 submitted by petitioner alongwith his reply to present application in view of above, the court is of considered opinion the words " to sign on my behalf on or before any other concerned authority on my behalf" shows that SPA holder has the power to appear in front of court and also to file the present suit. In view of above the contention of applicant in present application being devoid of any merit stands dismissed and disposed of. Application stands dismissed & disposed of.

This order left the respondent aggrieved and it has approached this Court by way of filing the revision petition.

I have heard learned counsel for the revision petitioner besides going through the record.

No doubt, a perusal of Special Power of Attorney dt. 06.03.2014 goes to show that it does not specifically empowers the attorney to file any suit or ejectment petition on behalf of the executant, however, the petitioner by subsequent execution of authority letter has authorized her mother Archana Rawat to do all such acts. It may be mentioned here that there is some confusion in the matter on the part of both the parties as well as the Court. The Court has dealt with the application in capacity of Civil Judge, when as stated by counsel for the revision petitioner, the nature of the case is an ejectment petition but then revision petitioner, who is respondent in the petition, is itself seeking rejection of the plaint and not the petition. The litigants are expected to be precise and specific in the pleadings and the Court concerned is also to deal with the matter giving due attention to the same and not in a mechanical way, nevertheless, I do not see any reason to interfere with the impugned order. The revision petitioner, if so aggrieved may take a specific objection in the written reply that the petition has not been filed by duly authorized person or that no cause of action had arisen to the petitioner to file the petition etc. The Rent Controller may frame specific issues in that regard and then allow the parties to lead evidence on the issues which can be decided while disposing of the case finally.

The revision petition stands disposed of accordingly.

20.12.2022

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(H.S. MADAAN)
JUDGE

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