

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.605 of 2021

Date of Decision : 05.01.2023

Ajay Kumar Gupta

....Petitioner

VERSUS

Bindu Sehgal and Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sunny Saggar, Advocate for the petitioner.

Mr. B.D. Sharma, Advocate and

Mr. Gurcharan Dass, Advocate for the respondent nos.1 and 2.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India challenging the orders dated 04.02.2021 (Annexure P-6) and 03.03.2021 (Annexure P-9) passed by the Civil Judge (Senior Division), Jalandhar vide which the petitioner has been directed to appear in Court for recording his statement.

Learned counsel for the petitioner would contend that the plaintiff-respondent nos.1 and 2 have filed the present suit against defendant no.1 Kanika Gupta (daughter of petitioner herein). However, in the suit she has been sued through her power of attorney i.e. petitioner herein. It is further the contention of the learned counsel for the petitioner that the petitioner is not legally authorized to appear on behalf his daughter inasmuch as the power of attorney issued in favour of the petitioner by his daughter is defective. Learned counsel for the petitioner has further contended that address of defendant no.1 Kanika Gupta has already been supplied to the respondents and that she could be served at the said address.

Per contra learned counsel for respondent nos.1 and 2 has contended that another civil suit has been filed by defendant no.1 Kanika Gupta through the petitioner herein as her power of attorney. It is further the contention that even the agreement to sell in the present case has been executed through the power of attorney holder.

I have heard learned counsel for the parties.

In the present case learned counsel for the petitioner, on instructions, has made a specific statement that the power of attorney in favour of the petitioner is defective. The learned counsel would further contend that the petitioner herein cannot be compelled to appear in the present suit since a categorical statement has been made by learned counsel for the petitioner that the petitioner is not a duly authorized power of attorney holder of his daughter Kanika Gupta in view of the fact that the said power of attorney itself is defective.

In view of the statement made by the learned counsel for the petitioner that he is not authorized to appear on behalf of his daughter and that the address of Kanika Gupta has already been supplied, the respondents would always be at liberty to get the notice issued to Kanika Gupta (defendant no.1) on the address as supplied. The issue of the validity of the power of attorney in favour of the petitioner is left open to be decided in appropriate proceedings.

In view of the above, the present revision petition is allowed. The respondents would take necessary steps to amend the memo of parties and thereafter get the notice issued to defendant no.1 Kanika Gupta at the address as supplied.

The present revision petition is disposed off in the above terms.

Pending applications, if any, also stand disposed off.

05.01.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO