

2024:PHHC:017690
**117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-437-1998 (O&M)
Date of decision: 08.02.2024

Ram Kumar and another
....Appellants

Versus

Bhajan Lal and others
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Amit Jain, Sr. Advocate with
Mr. Varun Prakash, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

1. In this Regular Second Appeal, the correctness of the concurrent findings of fact arrived at by the courts is challenged by the plaintiff. His suit for the grant of decree of declaration to the effect that the judgment and decree passed on 06.10.1986 is null and void, has been dismissed by both the courts below.
2. In order to comprehend the issue involved in the present case, some relevant facts, in brief, are required to be noticed.
3. Defendant no.1 and 2 were the owners of the suit property. Defendant no.3 while claiming to be the power of attorney holder of defendant no.1 and 2 allegedly entered into an agreement to sell in favour of the plaintiff on 05.06.1986. Subsequently, defendant no.4 was declared owner of the property as defendant no. 1 and 2 suffered a consent decree. The plaintiffs rather than filing a suit for the specific performance of the agreement to sell, filed a suit for the grant of decree of declaration. Both the courts have come to a conclusion that the

alleged power of attorney executed by defendant no.1 and 2, in favour of defendant no.3, stood cancelled before 05.06.1986 and therefore, there was no valid agreement in favour of the plaintiffs.

4. Though, the learned counsel representing the appellants made a sincere attempt, however, failed to draw the attention of the Court to any substantive mis-reading, non-reading or perversity in the judgments passed by the courts below.

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

6. Hence, dismissed.

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

08.02.2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No