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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RSA 234/2023 & CM APPLs. 65127/2023, 65129/2023, 65130/2023**
SATYAPAL SINGHAppellant

Through: Mr. Vidit Gupta, Mr. Sandeep Tyagi,
and Mr. Ashish Goyal, Advs.

versus

ASHOK KUMAR & ORS.Respondents
Through: Mr. Hari Shankar, Adv for R-3.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
30.09.2024

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1. Heard learned counsel appearing on behalf of the appellant on the question of admission.
2. Learned counsel, while taking the Court through the judgment and decree passed by the Trial Court dated 11.08.2017, asserts that the same suffers from material perversity, inasmuch as, no findings have been rendered on issue no.3, which relates to whether the plaintiff is entitled to the decree of recovery of possession. According to learned counsel, the possession was not sought for on the basis of ownership; rather the same was claimed on account of the plaintiff being the landlord. He has also pointed out various documents on record to indicate that the rent agreements were being executed and extended on a time to time basis and therefore, on these captioned grounds, he submits that the appeal deserves to be admitted and the impugned judgment and decree, deserves to be set aside.



3. I have considered the submissions made by learned counsel appearing for the appellant and have also perused the record.
4. The learned first appellate Court in its impugned judgment has considered the controversy and has mainly in paragraph 13 onwards has rendered its findings.
5. The findings rendered by the Appellate Court, if considered in right perspective, would indicate that the suit was instituted primarily on the basis of a general power of attorney dated 04.02.2009 and other documents including the agreement to sell, possession letter, will etc, executed in favour of the appellant by the respondent-defendant no.1.
6. The Court has, therefore, noted that it was the appellant-plaintiff who must establish that his alleged title is superior to that of the respondent-defendant no.1, who is the owner, as well as in possession of the suit property.
7. It be noted that the power of attorney may state to have conveyed any title or create any interest in an immovable property, however, the same does not confer/create such title/interest. Such transactions cannot be treated as completed or concluded transactions in the eyes of law. The General Power of Attorney may be used to obtain specific performance or to defend possession.
8. Moreover Reliance can be placed on the decision of the Supreme Court in the case of *Thiruvengadam Pillai v. Navaneethammal*¹, *Suraj Lamp & Industries (P) Ltd. v. State of Haryana*², *Ramesh Chand v. Suresh*

¹ (2008) 4 SCC 530

² (2009) 7 SCC 363



*Chand*³ and *Hardip Kaur v. Kailash*⁴. The court, therefore, has rightly appreciated the material available on record and therefore, the appellant has failed to indicate any substantial question of law involved in the instant second appeal.

9. The appeal is accordingly *dismissed*.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 30, 2024

³ 2012 SCC OnLine Del 1985

⁴ 2010 SCC OnLine Del 3486.