



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

RSA-4870-2014 (O&M)

Date of decision : 29.01.2025

Parmod Kumar

...Appellant

Vs.

Dhanna Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mukand Gupta, Advocate
for the appellant.

Mr. Sanjeev Kumar, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. The correctness of concurrent findings of fact arrived at by the Courts below while dismissing appellant's suit for possession has been assailed in this appeal.

2. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

3. Sh. Parmod Kumar s/o Madho Sawroop Sharma was the owner of land measuring 40 kanals 02 marlas. He executed a general power of attorney on 11.02.1985 in favour of Sh. Dhanna Singh-defendant No.1 with respect to the land measuring 40 kanals. Subsequently, the power of attorney was cancelled. On 18.02.1985, Sh. Parmod Kumar, once again, executed a registered attorney in favour of Sh. Dhanna Singh with respect to the land measuring 32 kanals. In the aforesaid attorney Sh. Parmod Kumar authorized



Sh. Dhanna Singh to alienate the property. Subsequently, Sh. Dhanna Singh has transferred the property in favour of his wife Smt. Harbans Kaur (defendant No.2) on 07.03.2005. Sh. Parmod Kumar filed a suit claiming that the power of attorney was cancelled on 13.07.2004, hence, the sale was invalid. Sh. Parmod Kumar did not appear in evidence. He appeared through an attorney. He failed to prove that the cancellation of power of attorney was ever notified to Sh. Dhanna Singh. Hence, both the Courts dismissed his suit.

4. Learned counsel representing the appellant submits that the cancellation was registered on 13.07.2004. Therefore, its a notice to the public.

5. On the other hand, learned counsel representing the respondent submits that when the power of attorney of plaintiff-Sh. Parmod Kumar appeared in evidence, he failed to disclose the date when the cancellation was communicated to Sh. Dhanna Singh.

6. This Court has considered the submissions, however, finds no substance.

7. Sh. Parmod Kumar's case was required to stand on its own legs. He was required to prove that the cancellation of power of attorney was communicated to Sh. Dhanna Singh before the execution of the sale deed, however, he failed to prove. Moreover, the plaintiff has failed to give any plausible reason for not entering the witness box. Thus, the plaintiff has withheld the best evidence.

8. At this stage, learned counsel representing the appellant submits that the power of attorney was given only if the sale was necessary. It would be noted that requirement to execute the sale deed depends upon the wishes of



power of attorney holder. Hence, this Court in absence of evidence cannot adjudicate upon the same.

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

10 The appeal is dismissed.

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

29.01.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

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