

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****109****RSA-3094-2023 (O&M)****Date of decision: 06.03.2026****Ishwar Singh****...Appellant(s)****Vs.****Panchayati Akhara Nirmala Khankal Haridwar
and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Puneet Gupta, Advocate
for the appellant.*************NIDHI GUPTA, J.****CM-11049-C-2023**

Prayer in this application filed under Section 151 CPC is for
condonation of delay of 29 days in refiling the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly
supported by an affidavit of learned counsel for the applicant/appellant,
the same is allowed and delay of 29 days in refiling the appeal is
condoned.

CM-11050-C-2023

Prayer in this application filed under Order 1, Rule 10(2) of the
Code of Civil Procedure 1908 is for deleting the name of respondent no.4
(Defendant No.2 in the original Civil Suit) from the memorandum of parties
of the captioned appeal.



2. Learned counsel for the applicant/appellant submits that no prejudice shall be caused to the respondents by deleting the name of respondent No.4 from the array of the memo of parties as the balance of convenience lies in favour of the applicant/appellant.

3. Heard.

4. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant, the same is allowed and respondent No.4 is deleted from the memorandum of parties. Registry is directed to make necessary correction in the memo of parties.

RSA-3094-2023 (O&M)

Defendant No.6 is in the Second Appeal against the concurrent judgments and decrees of the learned District Courts; whereby the suit filed by the plaintiffs/respondents No.1 and 2 herein, for declaration and permanent injunction, has been decreed by both the District Courts.

2. Brief facts of the case are that the plaintiffs had filed a suit seeking declaration to the effect that the sale deed dated 8.10.1985, executed by Gurdial Singh Chela Ram Singh Chela Ganesha in favour of Harcharan Singh s/o Roor Singh(deceased) represented by defendants No.1 to 5 is illegal, invalid and not binding so far as the plaintiffs' rights in House No.342, Manimajra, Chandigarh/suit property, is concerned and the plaintiff continued to be owner of said house and ownership has been wrongly recorded in the records of the Municipal Corporation Manimajra, Chandigarh in the name of Gurdial Singh by defendant No.7 and the same



entry is illegal and invalid and factually wrong and are liable to be set aside. The description of the property is East: 57 ft bounded by Dera, West: 57 ft bounded by park, North: 27 ft bounded by Street, South: 27 ft. bounded by house of Atma, which is owned and possessed by plaintiff No.1 Panchayati Akhara Nirmala Khankal Haridwar; **and** subsequent sale deed dated 15.6.1998, executed by defendants No.1 to 5 in favour of defendant No.6 with regard to the aforesaid property is illegal, nonest and not binding on the plaintiff as Gurdial Singh was merely a Sewadar and had no authority or locus standi to execute sale deed in favour of Harcharan Singh and thus legal heirs of Harcharan Singh i.e. defendants No.1 to 5 do not acquire any right, title or concern in House no.342, Manimajra, Chandigarh nor they are in possession thereof and plaintiff is in peaceful possession of the house in question, thus sale deed be declared illegal and invalid; **and** suit for permanent injunction restraining defendants no.7 not to transfer the ownership of House No.342 in the name of defendant No.6 Ishwar Singh s/o Hari Singh, on the basis of alleged sale deed dated 15.6.1998 and further defendants be restrained not to interfere in possession of plaintiff and not to alienate the property in question in any manner during the pendency of the suit.

3. It was pleaded in the plaint that plaintiff is a registered Society and is owner of Deras situated all over India including the suit property describable as Dera No. 342, Manimajra, Chandigarh which is in the ownership and possession of the plaintiffs. It was pleaded that after NAC (Notified Area Committee) Manimajra came into formation, property



in question was shown to be owned by Gurdial Singh Chela Ram Singh Chela Ganesha in the records of the Committee. In fact, Gurdial Singh was Sewadar of the Dera and he has no locus standi to alienate the property in question. It was contended that impugned Sale Deed dated 08.10.1985 executed by Gurdial Singh in favour of Harcharan Singh was forged and fabricated. Harcharan Singh died on 25.07.1996 leaving behind his LRs defendants No. 1 to 5. Defendants No. 1 to 5 had further executed Sale Deed dated 15.06.1998 in favour of defendant No.6 Ishwar Singh. Therefore, the said Sale Deeds are illegal, null and void. The plaintiffs came to know about both the Sale Deeds in April 2009 when defendant No.6 applied to defendant No.7 Municipal Corporation, Manimajra U.T. Chandigarh for transfer of house in question. Accordingly, present suit came to be filed on 25.08.2009.

4. Upon appraisal of the pleadings and the evidence led by the parties, the Civil Judge (Junior Division), Chandigarh had decreed the suit of the plaintiffs vide judgment and decree dated 15.04.2015, as follows: -

“36. As a sequel to my above discussion, the instant suit for declaration and permanent injunction stands decreed, whereby, it is declared that the alleged sale deed dated 8.10.1985, alleged to have been executed by Gurdial Singh Chela Ram Singh Chela Ganesha in favour of Harcharan Singh s/o Roor Singh(deceased) represented by defendants No.1 to 5 is illegal, invalid and not binding so far as the plaintiffs' rights in House No.342, Manimajra, Chandigarh are concerned and the plaintiff continued to be owner of said house and ownership has been wrongly recorded in the



records of the Municipal Corporation Manimajra, Chandigarh in the name of Gurdial Singh by defendant No.7 and the same entry is illegal and invalid and factually wrong and is hereby set aside. It is further declared that subsequent sale deed dated 15.6.1998, executed by defendants No.1 to 5 in favour of defendant No.6 with regard to the aforesaid property is null and void and not binding on the plaintiffs as Gurdial Singh was merely a sewadar and had no authority or locus standi to execute sale deed in favour of Harcharan Singh and thus legal heirs of Harcharan Singh i.e. defendants No.1 to 5 do not acquire any right, title or concern in House no.342, Manimajra, Chandigarh and plaintiffs are in peaceful possession of the house in question. Consequently, the defendant No.7 is permanently restrained not to transfer the ownership of House No.342, Manimajra, Chandigarh in the name of defendant No.6 Ishwar Singh s/o Hari Singh, on the basis of alleged sale deed dated 15.6.1998. The defendants are further restrained not to interfere in possession of plaintiffs, except in due course of law and not to alienate the suit property in question. Decree sheet be prepared. File be consigned to the record room.”

5. The Civil Appeal filed by defendant No.6 was dismissed by the learned Additional District Judge, Chandigarh vide judgment and decree dated 16.02.2023. Hence, present second appeal by defendant No.6.

6. It is *inter alia* submitted by learned counsel for the appellant that the present suit was not maintainable as it was not properly filed by the plaintiffs. It is submitted that admittedly, the plaintiff-Society is a Society registered on 18.01.1905 under the Societies Registration Act (hereinafter referred to as ‘the Act’). It is contended that as per Section 6



of the Act, civil suit can be filed by the President, Chairman, Member, Principal Secretary or Trustees as determined by Rules and Regulations of the Society. As per Rule (G) of the Society, Secretary is authorized to defend all judicial proceedings official and non-official. However, in the present case, no Resolution was produced by the plaintiff authorizing the Secretary to file the present civil suit. It is submitted that therefore, the civil suit being not properly filed in accordance with law, could not have been entertained.

7. It is submitted by learned counsel for the appellant that the appellant is 68 years old person. The property was purchased by him in the year 1998 but he has not been able to enjoy the fruit of his own property. The Civil Suit was filed on 25.08.2009 impugning the sale deed dated 08.10.1985 executed in favour of one Late Sh.Harcharan Singh, from whose legal heirs the appellant had purchased the property vide registered sale deed dated 15.06.1998. The Civil Suit was clearly time barred having been filed after 24 years. The plaintiffs-respondent nos.1 and 2 could not prove that the cause of action accrued for the first time in the year 2009 as nothing has been proved in the evidence that the official of the Municipal Corporation, Chandigarh (successor of the Notified Area Committee, Manimajra had ever registered the house in question in 2009). It is submitted that the plaintiffs had filed the suit through Sh.Baldev Singh who became a Mahant only in 2001 i.e. post execution of sale deed. The ground that the suit is time barred has not been appreciated by the Ld.Trial Court as well as by the Ld.Appellate Court.



8. It is further submitted by learned counsel for the appellant that the general power of attorney dated 07.09.2009 (Exhibit P-2) has been given by the Mahant of the Panchayati Akhara in favour of Sh.Baldev Singh. It is reiterated that a society registered under the Act, is entitled to sue and be sued only in terms of its bye-laws. A perusal of the rules and regulations of the Panchyati Akhara Nirmala (Exhibit P-1) registered under the Societies Registration Act, 1860 provides that the Secretary is authorised to institute suits of every description and make applications. Clause G of the rules and resolutions of the Panchayati Akhara reads thus:

"G SECRETARY IS AUTHORISED

*To institute suits of every description and make applications.
To take all judicial proceedings official and non-official. To realize amounts (debt etc), due to the Akhara. The Secretary shall have power to engage for defending and prosecuting cases, Mukhtars, Vakil or Barrister and certify affidavits for fees. To execute decree, To realize decretal amounts and instalments etc. To take and give receipts in courts etc. To supervise moveable and immoveable properties belonging to the Akhara and to look after the houses. To enter regularly and monthly accounts in the Register and keep them correct. To consult the president in every matter."*

9. In the instant case the Panchayati Akhara is a society registered under the Societies Registration Act. However, no resolution of the society has been produced or proved authorizing/showing the competency of the Mahant to act on behalf of the society and to further delegate his powers. The power of attorney does not even mention that



the house is owned by the Akhara. Hence, the suit is per-se not maintainable.

10. In support, learned counsel relies upon judgment passed by this Court in **Murti Shri Raghunath Ji v. Joginder Singh, (P&H): Law Finder Doc Id #58660**. The relevant paras of the said judgment are as under:-

“6. Even if it is assumed for the sake of argument that this document can be taken into consideration despite its having not been duly proved, then also it will not be a sufficient compliance with the provisions of section 6 of the Act, which reads as follows :-

"6. Suits by and against Societies.

Every society registered under this Act may sue or be sued in the name of the President, Chairman, or Principal, Secretary, or Trustees, as shall be determined by the rules and regulations of occasion. the society, and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion.

Provided that.....”

7. The words for the occasion' in Section 6 are significant. Whereas under the standing rules and regulations of the Society, a general authority can be conferred on the Chairman or the Secretary or any trustee of the society, for suing or being sued on behalf of the Society, an authority given by means of a resolution of the governing body has to be limited to the "occasion" concerned. In drawing the distinction, the object which the legislature seems to have in view, was that registered Societies should not embark upon needless and endless litigation, frittering away their energy and wasting the funds of the Societies. They must at each



distinct stage of the litigation take stock of the situation and decide, whether or not it would be proper to pursue the matter further. Thus, even if it can be assumed for the sake of argument that the governing body of Shri Dharam Asthan Committee had authorised its President and Secretary to institute the suit by passing a resolution, then also that authority cannot be deemed, in view of the aforesaid provisions of section 6 of the Act, to include an authority to file an appeal from the decree of the trial Court, which was to a substantial extent in favour of the Society. There is nothing to indicate that after the decision of the suit by the trial Court, the Society reviewed and reassessed the situation and then passed another resolution, authorising the Secretary or its President to file an appeal against that decision."

11. Ld. counsel also refers to judgment of the Hon'ble Supreme Court in **CA No.3132-3133 of 2016 "P. Nazeer etc. versus Salafi Trust and another etc."**, the relevant paragraph of which is reproduced hereunder:-

"15. The aforesaid finding is completely contrary to law. A society registered under the Societies Registration Act is entitled to sue and be sued, only in terms of its bye-laws. The bye-laws may authorise the President or Secretary or any other office bearer to institute or defend a suit for and on behalf of the society. Under section 6 of the Societies Registration Act, 1860, "every society registered under the Act may sue or be sued in the name of President, Chairman, or Principal Secretary, or trustees, as shall be determined by the rules and regulations of the society and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion". Even the Travancore-Cochin Literary, Scientific and Charitable Societies



Registration Act, 1955, which is applicable to parts of Kerala carries a similar provision in section 9. Therefore, unless the plaintiff in a suit which claims to be a society demonstrates that it is a registered entity and that the person who signed and verified the pleadings was authorised by the bye-laws to do so, the suit cannot be entertained. The fact that the plaintiff in a suit happens to be a local unit or a Sakha unit of a registered society is of no consequence, unless the bye-laws support the institution of such a suit."

12. Learned counsel for the appellant further submits that as per the evidence on record it is proved that Gurdial Singh Chela Ram Singh Chela Ganesha was recorded as the owner with the Notified Area Committee, Manimajra of House No.342, Manimajra constructed on an area of 57*27 having two rooms, a kitchen and courtyard. The same is proved from a notice dated 11.10.1977 (Exhibit D-1) which was received by Sh.Gurdial Singh from the Notified Area Committee, Manimajra for the payment of the house tax for the aforesaid house and further from the fact that he objected to the payment of the house tax by sending the reply dated 04.11.1977 (Exhibit P-15) and from the further correspondence with the Committee whereby Baldev Singh had been asked to pay the house tax (Exhibit D-2 to D-4). It is contended that therefore title of Baldev Singh was clear. The said land was sold to Harcahran Singh vide registered sale deed dated 08.10.1985 (Exhibit P-10); and further the same has been sold to the Appellant by the legal heirs of Sh.Harcharan Singh.



13. Learned counsel for the appellant further submits that the Id. Trial Court has relied upon Exhibit P-8 i.e. judgment dated 29.01.1986 passed by the Sub Judge First-Class, Chandigarh to hold that the respondent no.1 is the owner of the House No.342 whereas the true facts are that in the judgment (Exhibit P-8) there is no reference of the House which was sold on 08.10.1985. The suit relates to the agricultural land measuring 27 Bighas and 5 Biswas. The Plaintiff in the said suit is also different and the judgment only proves that from 28.07.1983 to 29.01.1986 the agricultural land was of "Granth Sahib Dharmashala Nirmala" and not of "Panchayati Akhara Nirmala, Kankhal Haridwar (Registered)". Thus, impugned orders are based on an incorrect premise.

14. It is accordingly prayed that the present Appeal be allowed; and the impugned judgments and decrees of District Courts be set aside.

15. No other argument is raised by learned counsel for the appellant. I have heard Id. counsel and perused the case filed in detail. I find no merit in the submissions advanced on behalf of the appellant.

16. The present appeal is liable to be rejected on the short ground that there are concurrent findings of fact by both the Courts below to the effect that Mahant Gurdial Singh, who had executed impugned Sale Deed, was not competent to alienate the suit property. In this regard, reference may be made to a judgment dated 29.01.1986 Ex.P8 passed by learned Sub Judge, 1st Class, Chandigarh in which it was held that Gurdial Singh had no right, title or interest to sell the land in dispute or any other right of tenancy in the land in dispute in favour of any person. No doubt,



the land in dispute in the said suit decided vide judgment dated 29.01.1986 Ex.P8 is different from the present suit property. However, finding is unambiguous in respect of the fact that Mahant Gurdial Singh was not competent to sell or lease the Dera property in favour of anyone. Thus, the argument of the appellant that the impugned judgments could not have been passed on the basis of Ex.P-8 is liable to be rejected.

17. Furthermore, the above argument of the appellant is untenable also on account of the fact that Gurdial Singh himself has admitted in a letter dated 24.11.1977 Ex.P16 written by Gurdial Singh to the NAC, Manimajra; wherein he has clearly stated that the property does not belong to him; and that he i.e. Gurdial Singh was merely managing the affairs of the Dera in question. This is further buttressed from the evidence of DW1 Devinder Singh, Sub Office, Manimajra, who has stated in his cross-examination that there is no document, as well as there is no record in NAC, to show that Gurdial Singh was owner of the suit property in his individual capacity. DW1 has also admitted the letter Ex.P16.

18. Needless to say, admission is the best evidence. As per Section 58 of the Evidence Act, admission is the best evidence. The Hon'ble Supreme Court in **Divisional Manager, United India Insurance Co. Ltd. & anr. vs. Samir Chandra Chaudhary (SC)** Law Finder Doc Id # 83537, has held that an "*admission of fact is good evidence*" against the person admitting the same unless it is legally explained away to be made under a bona fide mistake. That is not so in the present case.



19. The Hon'ble Supreme Court in **Union of India vs. MokshBuilders and Financiers Ltd and others 1977 AIR, 409** has held that *"admissions duly proved are admissible evidence irrespective of whether that party making them appeared in the witness box or not."*

20. Furthermore, even from the judgment dated 17.02.2014 Ex.P13 passed by the learned Civil Judge (Junior Division) Chandigarh, the suit property was found to be in the ownership of the plaintiff-Dera. From Ex.P13 also, it was established that Gurdial Singh was not owner of the suit property in his individual capacity. Thus, merely as Mahant of the Dera, he had no right or title to alienate the same.

21. Further, even as per judgment and decree dated 28.02.2004 Ex.P4 and Ex.P5 respectively (corrected vide order dated 23.02.2013 Ex.P6), plaintiff No.1 was declared to be owner in possession of the suit property. From copy from the revenue record Ex.P7, when read in conjunction with Ex.P4, it becomes clear that plaintiff No.1 had been declared as owner in possession of the suit property. Thus, from the above evidence, it was unequivocally established on record that the plaintiff no.1 was the owner in possession of the suit property; and that Mahant Gurdial Singh had no right or title to the suit property in his individual capacity. As such, any Sale Deed executed by said Gurdial Singh would not create any rights in favour of the vendee as the vendor had no title. Needless to say, Gurdial Singh could not have passed a better title than what he possessed.



22. Furthermore, no rights would accrue in favour of the defendants also on account of the fact that Sale Deed dated 08.10.1985 Ex.P10 executed by Gurdial Singh in favour of Harcharan Singh (father of defendants No.1 to 5) was not proven in accordance with law, as no witness was examined. Neither any Stamp Vendor nor Scribe was examined by the appellant to show that Sale Deed had been executed as per the provisions of Section 10 of Indian Contract Act.

23. Furthermore, a bare reading of the said Sale Deed dated 08.10.1985 Ex.P10 shows that in the very first line itself, it is stated that *“Gurdial Singh Chela Ram Singh Chela Ganesha”* is the vendor. Therefore, clearly indicating that the suit land had been sold by Gurdial Singh to Harcharan Singh in his capacity as Chela. Thereafter LRs of Harcharan Singh who had derived title vide Sale Deed dated 08.10.1985 Ex.P10 had further sold the property to the present appellant vide Sale Deed dated 15.06.1998 Ex.D13. To prove the Sale Deed Ex.D13, appellant had examined DW4 Ved Parkash, who proved copy of the Sale Deed as Ex.D12 but has admitted in his cross-examination that he was not the witness to Ex.D12 and has further admitted that he has not seen any document of title in favour of seller i.e. Harcharan Singh regarding the suit property. Thus, the sole witness DW4 produced by the appellant to prove the impugned Sale Deed dated 15.06.1998 Ex.D13 was unable to prove the same. The appellant examined no Scribe or Stamp Vendor or any other attesting witness to prove the Sale Deed Ex.D13 in his favour. Appellant had also examined DW5 Bhag Chand, Clerk from the office of Sub



Registrar U.T. Chandigarh, who had only proved the record of the Sale Deed Ex.D13. Further, appellant while appearing as DW3 has admitted in his cross-examination that he had not seen any title deed of the suit land prior to purchasing the same. Clearly therefore, the appellant was not vigilant regarding his rights; and is therefore, not entitled to protection in law or Court.

24. Another glaring anomaly in the case set up by the appellant is that it is established fact on record that in actual fact, the suit property was sold to the appellant by his wife, who was GPA of defendants No.1 to 5. The appellant while appearing as DW3 has admitted that the Sale Deed dated 15.06.1998 Ex.D13 was executed by his wife in his favour on payment of sale consideration of Rs.1 lac. DW3/appellant has admitted that the said sale consideration of Rs.1 lac was paid by the appellant only to his wife. However, admittedly, there is no documentary proof of payment brought on record by the appellant. In this view of the matter also, grave cloud is cast on the title of the appellant. Furthermore, appellant has been unable to give any explanation as to why the Sale Deed dated 15.06.1998 Ex.D13 was kept concealed by him till the year 2009 without making any effort in the intervening years to get it/his title entered in the record.

25. Relevant findings of learned First Appellate Court in this regard are contained in para 33 of the judgment dated 16.02.2023, as under:-



“33. Further, the deposition of defendant Ishwar Singh who appeared as DW3 is also very relevant qua the impugned sale deeds Ex.P10/Ex.D12 and Ex.D13. He was asked about payment of 1 lac as the consideration amount for the sale deed Ex.D13 and he deposed that this amount was paid in cash by him to his wife. He further admitted that on sale deed Ex.D13, it is not mentioned as how much amount was paid by way of consideration for the execution of the sale deed. Even he denied about execution of sale deed Ex.D12 (Ex.P10) by Gurdial. Singh Chela Ram Chela Ganesha in favour of Harcharan Singh. DW3 was not witness to the said sale deed. He had not seen any title deed of the house in question in favour of Gurdial Singh prior purchasing the property in dispute.”

26. It is also undisputed fact on record that defendants No. 1 to 5 had filed civil suit Ex.P11 seeking declaration as owners in possession of the suit property which had been dismissed in default vide order dated 11.11.1999 Ex.P12. Thus, there is no decree of declaration in favour of defendants No.1 to 5 declaring them to be the owners of the suit property.

27. As regards possession of the suit property, claim of the appellant that he is in possession of the suit property has been negated by a categorical finding of both the Courts below to the effect that as per the evidence on record, plaintiff is in possession of the suit property. In this regard, it is to be noted that it was the case of the appellant that he was in possession of the suit property, which has been rented out by him to various tenants. However, appellant had failed to produce any rent



receipts or rent deeds to show his possession. Further, appellant as DW3 had deposed that Mahant Baldev Singh is in possession of one room. Moreover, appellant in his cross-examination has deposed that there is a Darbar Sahib in one room besides two rooms. He has further deposed that in the site plan Mark A, there is door circle 'A' which joins property of the suit house and remaining property of the Gurudwara. Clearly therefore, from the deposition of the appellant himself, it was established that plaintiffs are in possession of the suit property.

28. As regards contention of the appellant regarding the maintainability of the suit, it is to be seen that the rights and liabilities of the Sewadars and Mahants of the plaintiff-Society are explained in the Memorandum of Association of the Society Ex.P1. In the said Memorandum of Association, it is clearly delineated that Mahant in himself has no authority to deal with the property of the plaintiff; and that work of Mahant is not to dispose of the property of Dera, but to look after its properties. Admittedly, the suit property being a Dharamshala, is part and parcel of Dera. Ex.P16 i.e. letter dated 24.11.1977 written by Gurdial Singh himself to the NAC, Manimajra shows that property No. 342 of which suit property is part and parcel, is not a residential unit but is a Dera/Dharamshala. In the present case, the Courts below have given a categorical finding that Baldev Singh was appointed as Mahant of the plaintiff-Dera in a customary ceremony. As such, as per the Memorandum of Association Ex.P1 Baldev Singh was authorised to look after on affairs of the Dera, including pursue all litigation on behalf of the plaintiff-Dera.



Moreover, GPA/Ex.P-2 had also been executed in favour of Baldev Singh, specifically authorising him to file the present suit. Thus, the present suit was very much maintainable.

29. The relevant findings of the First Appellate Court are contained in para 30 of the judgment dated 16.02.2023, which reads as under: -

“30. It was nextly argued on part of the defendant that the present suit was not filed by the Secretary of the plaintiff rather it has been filed through Mahant Baldev Singh Chela Mahant Sher Singh who was not empowered to file the suit. This contention was strongly opposed by the plaintiffs who have taken the support of Ex.P3. In the light of the above contention, this Court has perused two documents namely Ex.P1 and Ex.P3. Ex.P1 is the MOA wherein Secretary of plaintiff No.1 has been authorised to institute suit of every description. On the other hand, it is equally true that Ex.P3 came into existence in a ceremony of Dastarbandi of plaintiff No.1 Akhara wherein Mahant Baldev Singh was appointed as Mahant of the suit property by way of consensus. He was directed to follow the rules of Nirmal Bheikh and he will be the Mahant of movable and immovable properties of the Dera. Further, the body of the plaint specifically mentions about Ex.P2 the general power of attorney executed by Shri Mahant Pandit Gian Dev Singh. Vide Ex.P2 Sant Baldev Singh Chela Mahant Sher Singh was appointed as General Power of Attorney holder. He was also authorized to file and contest every type of civil, criminal and revenue litigation. The defendants did not raise any dispute with regard to the fact that Mahant Pandit Gian Dev Singh is not the President or Head of plaintiff No.1. Thus, a collective study of Ex.P1 to



Ex.P3 particularly of Ex.P2, it is proved that Mahant Baldev Singh was specifically authorized to institute the present suit against the defendants. This controversy with regard to the authority of Mahant Baldev Singh, thus, has no substance in itself.”

30. As regards the plea of limitation raised by learned counsel for the appellant, from the facts on record, it is clear that the plaintiffs gained knowledge about the execution of Sale Deeds Ex.P10 or Ex.D13 only in 2009 when the officials of the Municipal Corporation, Chandigarh came to the suit property for conducting demarcation. It is only then that plaintiffs discovered about the execution of the impugned Sale Deeds. In fact, the appellant in his Affidavit Ex.DW3/A has himself admitted that he had seen the record of NAC for the first time only in the year 2009. Appellant could also not prove that plaintiffs had come to know about the execution of Sale Deed Ex.P10 or Ex.D13 prior to 2009. Thus, plea of limitation raised by the appellant, was liable to be rejected.

31. From the above facts, it is clearly established that the Sale Deed Ex.P10 executed by Gurdial Singh was invalid as Gurdial Singh was not owner of the suit property. Therefore, he had no right, title or authority to execute the Sale Deed Ex.P10, which is not valid. Therefore, the subsequent Sale Deed Ex.D13 executed in favour of the appellant by LR's of Harcharan Singh on the basis of Ex.P10, is also not valid.

32. Learned counsel for the appellant is unable to dispute or controvert the above said facts and findings. In the above facts, reliance of

the appellant upon **Murti Shri Raghunath (supra)** and **P. Naseer supra** is misconceived as the said judgments are distinguishable on facts and law.

33. In view of the above, no ground is made out to interfere in the concurrent judgments and decrees of the learned District Courts. The present Regular Second Appeal is accordingly **dismissed**.

34. Pending applications, if any, stand disposed of.

06.03.2026

Divyanshi

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(NIDHI GUPTA)

JUDGE