



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CR-9708-2025 (O&M)

Date of Decision:-08.01.2026

JAGDEV SINGH TOOR

... Petitioner

Versus

KAMALJIT SINGH AND ANOTHER

... Respondents

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Karan Singla, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This Civil Revision Petition has been filed under Article 227 of the Constitution of India assailing the orders dated 09.11.2021 and 20.03.2024 passed by learned Civil Judge (Senior Division), (NRI Court) Jalandhar and the learned Additional District Judge, Jalandhar respectively, vide which, the application filed by the petitioner under Order 39 Rule 1 and 2 of Code of Civil Procedure (CPC) was dismissed.

2. Briefly, petitioner filed a suit for declaration claiming himself to be the owner in the possession of the suit property and transfer of ownership deed dated 29.12.2015 executed on the basis of Power of Attorney executed by the petitioner in favour of the respondent No.1 is illegal, null and void and further declaration that transfer of ownership dated 01.01.2016 by respondent/defendant No.2-Kulwant Singh in favour of defendant No.1-Kamaljit Singh is illegal, null and void or in the alternative, suit for possession of the suit property along with recovery of *mesne* profit for use and occupation of the suit property and for permanent injunction restraining defendants from alienating or creating charge or transferring or raising construction or demolishing the construction over suit property. Petitioner moved an application for amendment of the plaint, which was declined. Petitioner filed a

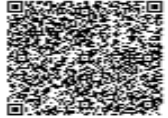


revision petition. Notice of motion was issued in that revision petition. Along with that suit, plaintiff has moved an application for interim injunction restraining respondents from changing the nature of suit property or from alienating the same to any other person. The suit as well as injunction application was contested by the respondents. Learned Civil Judge after hearing arguments dismissed the injunction application. Appeal preferred by the petitioner against the impugned order was also dismissed.

3. Learned counsel for the petitioner contended that respondents has misused the power of attorney and has fraudulently transferred the property to respondent No.2 and thereafter, within a period of three days got the same transferred in his own favour. He contended that in the power of attorney, exchange was permissible but the transfer of title was not permissible and that this fact was not taken care of either by the deed writer or by sub-Registrar at the time of preparation of transfer deeds and that petitioner was present in India at the time of alleged transfer. He further argued that the subsequent transfer within a period of three days clearly shows that the powers has been misused by the Attorney and that both the Courts below has not taken care of the fact that the basic purpose of interim injunction application is to preserve the suit property during the pendency of the suit in order to avoid multiplicity of the litigation and that in case, respondents succeed in changing the nature of the suit property, it will cause irreparable loss to the petitioner.

4. I have gone through the file carefully.

5. The learned Civil Judge has declined the injunction application after going through the terms and conditions of the power of attorney dated 20.11.2000 executed by the petitioner in favour of respondent/defendant No.1. In that power of attorney, specific power to sell, mortgage, gift, partition and exchange the land of the petitioner has been given to respondent/defendant



No.1, so, in such circumstances, the learned Courts below has concluded that the transfer deed executed by respondent/defendant No.1 in favour of defendant No.2 on 29.12.2015 was on the basis of due authorization by the petitioner, so, when it was duly authorized by the petitioner to transfer the property on the basis of the power of attorney, the learned Courts below has concluded that the transfer deeds were *prima facie* validly executed and petitioner has failed to make out a *prima facie* case in his favour by showing that there is any misuse of the power by the attorney of the petitioner.

6. Relevant portion of the impugned order passed by learned First Appellate Court reads as under:-

“5. The main contention of Ld. Counsel for the appellant is that in the power of attorney in question admittedly executed by the appellant in favour of respondent/defendant no.1, he was not authorised to execute any gratuitous transfer deed. But after going through the power of attorney in question, this court is unable to accept the said contentions of Ld. Counsel for the appellant, because in the power of attorney in question it is specifically mentioned that the defendant no.1 can sell, transfer, exchange and gift the property. When such wide powers were given vide the power of attorney in question, then it can not be held that prime facie case is made out in favour of the appellant/plaintiff.

6. So, keeping in view all the facts of the case, and the aforementioned discussion, this court is of the considered opinion that the order passed by Ld. Trial Court whereby the application filed by the appellant/plaintiff u/o 39 Rule 1 and 2 has been dismissed, calls for no interference and present appeal filed by the appellant is devoid of any merit and finding no merits in the present appeal, the same is hereby dismissed with cost throughout. However to avoid multiplicity of litigation, it is ordered that if the respondents/defendants or for that matter any party to the instant lis intends to sell/transfer or alienate any part of the suit Property



to anyone during the pendency of the instant suit, then s/he/they will be duty bound to mention the factum of pendency of the instant suit in the proposed transfer or sale deed etc”

7. Now, considering the fact that the learned First Appellate Court has safeguarded the interest of the petitioner by issuing directions to the respondents that in case, they intend to sell/transfer or alienate any part of the suit property to anyone during the pendency of the suit, they shall be duty bound to mention the factum of the pendency of the suit in the proposed transfer deed and all such transfers would be hit by the principle of *lis pendens*.
8. Now, considering the peculiar circumstances of the case, when specific power to alienate the suit land is available in power of attorney executed by petitioner in favour of respondent/defendant No.1, no ground is made out to interfere in the well reasoned order of the learned First Appellate Court, as such, there is no merit in the instant petition and the same is dismissed accordingly.
9. As a natural corollary, since the main case stands dismissed, all pending miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them pending.

8th January, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No