

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 CIVIL APPEAL NO.1766 OF 2006

JANARADAN DASS

.....APPELLANT

VERSUS

RAGHUBIR SINGH (D) THR. LRS.

....RESPONDENTS

O R D E R

for the We have heard learned counsel appearing
 in RSA parties and perused the impugned order dated 19.08.2004
 that Indisputably, the facts of the case are
 endant although the power of attorney given to def
 no.1-was cancelled on 12.07.2000, he executed a sale deed
 in favour of the present appellant-defendant no.2. The
 plaintiff-respondents filed a suit for declaration that
 the sale deed executed by the defendant no.1 was null and
 void. All the three courts have come to a concurrent
 finding that defendant no.1 had no authority to sale the
 property of his father.

Signature Not Verified

Digitally signed by
 Sanjay Kumar
 Date: 2015.09.17
 17:08:27 IST
 Reason:

Mr. J.S. Attri, learned Senior Counsel appearing for
 the appellant, submits that in any event, the appellant

2

is entitled to recover the consideration amount alleged
 to have been paid to defendant no.1. Hence, a direction

be issued to defendant no.1 to refund the consideration amount.

In considering the submission made by Mr. Attri, learned Senior Counsel for the appellant, we are afraid that such a direction can be issued in the instant case which arose out of a suit for other relief stated hereinabove, particularly when at any stage of the proceeding the appellant did not move any application either before the trial court or the first appellate court nor filed a cross suit for the recovery of the consideration amount.

In the background of these facts, we do not find any merit in this appeal which is dismissed accordingly.

.....J
[M. Y. EQBAL]

.....J
[C. NAGAPPAN]

NEW DELHI;
SEPTEMBER 15, 2015.

3

ITEM NO.103

COURT NO.10

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).1766/2006

JANARADAN DASS

Appellant(s)

VERSUS

RAGHUBIR SINGH (D) THR. LRS.

Respondent(s)

(With interim relief and office report)

Date : 15/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. J.S. Attri, Sr. Adv.
Mr. Balraj Dewan, Adv.
Mr. Chandra Nand Jha, Adv.

For Respondent(s) Mr. Vivek R. Mohanty, Adv.
For M/s Aura & Co.

Rr-ex-parte, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(Sanjay Kumar-II)
Court Master

(Indu Pokhriyal)
Court Master

(Signed Order is placed on the file)