

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

RSA No.3603 of 2011 (O&M)

Date of Decision: December 09, 2015

Om Parkash

.... Appellant

vs.

Om Pati and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vijay Singh Kajla, Advocate for the appellant.

Mr. Ashwani Bhardwaj, Advocate for respondent No.1.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Defendant No.2 has filed this appeal against the concurrent findings of lower court as well as the first appellate court, whereby the suit filed by the plaintiff for declaration, was decreed.

Plaintiff Om Pati (respondent No.1 herein), had filed the suit stating that General Power of Attorney bearing No.69, dated 22.06.1999, allegedly in favour of defendant No.1 is a forged and fabricated document and secondly sale deed No.88, dated 20.04.2000 executed by defendant No.1 in favour of defendant No.2 (appellant herein) is also illegal. Defendant No.1 is none other than the real brother of the plaintiff. The lower court observed that the photograph affixed on the alleged General Power of Attorney is of some different lady. The court itself compared the same with the plaintiff, who was present in the court.

The plaintiff had also disputed her thumb impression on the alleged Power of Attorney. For this purpose, Handwriting and finger prints experts were examined by both the parties, who gave reports in favour of their respective parties. However, the court itself examined and compared the disputed thumb impression with the standard thumb impression and while recording the detailed reasons, giving the instances of dissimilarity, came to the conclusion that the standard thumb impression of the plaintiff do not tally with the disputed thumb impression on the alleged General Power of Attorney.

Therefore, the thumb impression of the plaintiff was held to be forged one. Consequently, the decree was passed and the same was upheld in appeal.

I have heard learned counsel for the parties and have also carefully gone through the case file.

A perusal of judgment of lower court shows that the lower court had given sound reasoning that the photograph of the plaintiff on the alleged Power Attorney was found to be fake and so were her thumb impressions. The lower court had given detailed reasoning elaborating the distinction between the disputed and the standard thumb impressions.

Even if, there were contradictory reports of the handwriting and finger prints experts, the court is the expert of experts and the comparison of disputed and standard thumb impressions by the court has to be believed.

It being so, I am of the view that the findings of the facts have been recorded by both the courts below. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

December 09, 2015
sarita

(KULDIP SINGH)
JUDGE