

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3733 of 2012 (O&M)
Date of Decision.24.08.2015

Surjit Kaur @ Malkit Kaur and anotherAppellants

Versus

Gurmail Singh and othersRespondents

Present: Mr. Narinder Sharma, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

-.-

K. KANNAN J. (ORAL)

1. There is simply no scope for intervention in appeal in a case where the power of attorney granted to the agent specifically authorized a power to sell, mortgage with or without possession. The contention for assailing the sale made by the power of attorney to the contesting defendant was that the recital was introduced without the knowledge of the plaintiff Surjit Kaur and another and the document will not bind the plaintiffs. The two Courts below rejected plaintiffs' contention and held that the plaintiffs must take the consequence of specific recital. The argument that was sought to be placed was that the power was granted only to prosecute the civil case and the recital regarding power to alienate had been introduced without adequate knowledge to the plaintiffs. If the persons under full age and understanding subscribe their signatures to a document, they are bound to apprise themselves of the recitals and if they are so indiscreet as not to undertake appropriate

enquiry before affixing the signatures, they are bound to take the consequence of their acts.

2. I do not find any scope for intervention with reference to the manner of how it has been dealt with by the two Courts below which is essentially a question of fact whether the plaintiffs are made aware of the recitals or not. There is no substantial question of law arises for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 24, 2015
Pankaj*