

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

RSA No. 5411 of 2014 (O&M)
Date of decision: August 31, 2015

Hussan Chand

...Appellant

Versus

Raj Kumar and others

...Respondents

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?**

Present: Mr. JS Cooner, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

CM No. 12807 C of 2014

For the reasons stated in the application, delay in filing the appeal is condoned.

Main case

1. The suit was for specific performance of an agreement to sell executed by the 2nd defendant as a power of attorney for the 1st defendant's father Prem Chand. The suit was filed against the 1st defendant and the subsequent purchaser on a plea that the 2nd defendant was competent to act on behalf of the 1st defendant's father and since he failed to execute the document, the suit was being filed. The contention of the 1st defendant was that his father's signatures had been taken on the power of attorney without informing him of the details and the 2nd defendant had played a fraud on his father and created documents of sales and agreement to several persons.

The Court took note of the fact that the 2nd defendant had acted as a power

of attorney and effected even sales to 3rd parties even in the year 2003 and the 1st defendant's father himself had not taken any action during his life. When the 1st defendant had not taken any step to assail any other sale deed executed by the 2nd defendant acting on such power of attorney of 1st defendant's father, the 1st defendant's case of fraud as having been practiced on the father took a serious beating on the disclosure of fact of several sales executed by the 2nd defendant as a power of attorney for the 1st defendant's father which stood without being assailed. The courts below took that circumstance to be against the 1st defendant's contention that any fraud had been practiced. I find the appreciation of facts and the inference drawn to be appropriate and correct that would call for no interference in the second appeal. There exists no substantial question of law for consideration.

2. The second appeal is dismissed.

August 31, 2015
prem

(K.KANNAN)
JUDGE