

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

**RSA No.2514 of 1994 (O&M)
Date of Order:23.04.2018**

Satya Devi

..Appellant

Versus

Roshan Lal and anotehr

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Satpreet Grewal, Advocate,
for the appellant.

Mr. Shambhu Datt Sharma, Advocate,
for respondent no.2.

ANIL KSHETARPAL, J(Oral)

C.M.No.5793-C-2018

Prayer in this application is for bringing on record the legal representatives of Satya Devi-appellant no.1.

For the reasons mentioned in the application, which is supported by an affidavit, the application is allowed, subject to all just exceptions. The legal representatives mentioned in paragraph 5 of the application are brought on record for the purpose of prosecuting this appeal only.

Amended memorandum of parties filed along with the application is taken on record.

C.M.No.5794-C-2018

Prayer in this application is for bringing on record the legal representatives of Roshan Lal-respondent no.1.

For the reasons mentioned in the application, which is supported by an affidavit, the application is allowed, subject to all just exceptions. The legal representatives mentioned in paragraph 5 of the application are brought on record for the purpose of defending this appeal only.

Amended memorandum of parties filed along with the application is taken on record.

RSA No.2514 of 1994

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

Plaintiff filed a suit claiming to be joint owner in possession of the property in dispute. She pleaded that she is old illiterate lady who asked defendant no.1 to accompany her for enquiring about the compensation payable. It is pleaded that her General Power of Attorney was got executed by deception on 17.08.1986 and thereafter defendant no.1 sold the land on the strength of the aforesaid General Power of Attorney on 08.07.1987.

Suit was contested. It was pleaded that two sisters of the plaintiff have already sold their share in favour of husband of defendant no.2 (other sister of the plaintiff). It was the plaintiff who was also interested in sale of her share and therefore General Power of Attorney was executed on 17.06.1986. On payment of sale consideration and on the basis of aforesaid General Power of Attorney further sale deed was executed by defendant no.1 on 08.07.1987.

Both the courts on appreciation of evidence available on the file have found that the plaintiff executed the General Power of Attorney

with her free will and volition and authorized the General Power of Attorney holder-defendant no.1 to execute the sale deed on the basis of that attorney. Hence, the courts have found that there was no deception as alleged by the plaintiff.

During the course of arguments, learned counsel for the parties could not point out any substantive misreading or non-reading of evidence available on the file. The findings arrived at by the courts below are findings of fact on appreciation of evidence.

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

April 23, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No