

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

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**CM-2744-C-2016 in/and
RSA-1001-2016
Date of Decision : 23.1.2018**

SUKHWANT SINGH

....PETITIONER

VS

KARAMJIT KAUR AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Raj Kumar Kakkar, Advocate
for the appellants.

AJAY TEWARI, J.(Oral)

CM-2744-C-2016

This is an application for condonation of 8 days delay in filing the appeal.

For the reasons recorded in the application, the same is allowed and delay of 8 days in filing the appeal is condoned.

Main Appeal

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant. The appellant had challenged the sale deed executed by the respondent No.2 in favour of the respondent No.1 (as power of attorney) on the ground that he had never intended to give power of attorney which included the power to sell and rather he had executed a special power of attorney in good faith because he had a long standing relationship with the respondent No.2 and respondent No.2 had assured him that on the strength of the power of attorney he would be able to get loan at cheaper rate charged by the bank than as charged by the commission rate. As per the appellant the subsequent sale

by the respondent No.2 in favor of the respondent No.1 is therefore completely vitiated. Both the Courts below held against the appellant primarily on the ground that he had accepted his signatures and his photographs before the Registering officials. The Courts below also relied upon testimony of the Registrar who had stated that he had specifically explained the contents to the appellant and the appellant had executed the power of attorney after understanding the contents and admitting them to be correct. Learned counsel has argued that notwithstanding the statement of the Registrar there is ample evidence that a fraud had been committed on the appellant. For this he has relied upon certain facts which have come about after the registration of the power of the attorney. However, as regards the registration of the power of attorney learned counsel has not able to show me how the Courts below erred in disregarding the registered power of attorney and the testimony of the sub Registrar. Once that is so it has to be held that the appellant had executed a power of attorney which included the power to sell and if that is proved allegation of fraud are completely eroded.

Resultantly, no fault can be found in the judgments of the lower Courts.

The appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

**23.1.2018
anuradha**

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No