

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

**RSA No.3308 of 2016 (O&M)
Date of Order: 13.07.2018**

Sumer Singh and another

..Appellants

Versus

Smt. Maya Wati (since deceased) through LR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by both the courts below.

Harbhajan Singh, father of the plaintiffs was owner of the property and he executed a General Power of Attorney in favour of Udai Ram on 17.02.1999 (registered document). In this general power of attorney, Udai Ram was given even right to sell along with all rights to deal with the property in any manner he likes. Udai Ram pursuant thereto executed a sale deed in favour of Maya Wati, his mother, on 03.03.1999. Harbhajan Singh remained alive for a period of 3 years after the execution of the sale deed. Harbhajan Singh never challenged the sale deed executed by Udai Ram in favour of Maya Wati. He did not ever cancel the general power of attorney executed by him in favour of Udai Ram. After the death of Harbhajan Singh, his sons-appellants have challenged the sale deed on the ground that such sale deed was result of fraud.

Both the courts while examining the evidence have found that

the plaintiffs have failed to prove the fraud.

Although, learned counsel for the appellants sincerely made an attempt to persuade this court while showing certain circumstances to conclude that circumstances indicating which according to the learned counsel are not normal, however, taking into consideration the finding of fact, which is neither shown to be perverse nor result of misreading or non-reading of evidence, warranting interference by this Court, there is no good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

July 13, 2018
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(ANIL KSHETARPAL)
JUDGE

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