

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

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RSA-3634-2016 (O & M)
Date of Decision:23.10.2018

Abdul Gafoor and others

...Appellants

Versus

Vijay Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sudhir Aggarwal, Advocate
for the appellants.

None for respondents No.1 and 2.

Mr. Adarsh Jain, Advocate and
Mr. Kamal Goyal, Advocate
for respondents No.3 to 8.

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 while dismissing their suit for declaration, mandatory injunction and in the alternative for possession. Plaintiffs, who are four in number, executed a registered General Power of Attorney dated 01.06.1998 authorizing defendant No.2 to deal with the property in any manner he likes including sale. On the basis of the aforesaid General Power of Attorney, defendant No.2 executed a sale deed in favour of defendant No.1 on 28.07.2001 with respect to land measuring 61 kanals and 4 marlas. Thereafter, defendant No.1 sold 38 kanals and 11 marlas of land to defendant Nos.3 to 8 vide sale deed dated 23.11.2005. All these sale deeds and General Power of Attorney have been challenged by the plaintiffs. Plaintiffs claim that these General

impersonation.

Both the Courts after examining the evidence have found that General Power of Attorney was executed by these four brothers namely the plaintiffs and the photographs of all the four have been affixed on General Power of Attorney, which was registered with the Joint Sub Registrar. All the four brother have also appeared before the Sub Registrar at the time of registration. Still further, Abdul Gafoor namely appellant No.1 is a witness to the sale deed executed by defendant No.1 in favour of defendants No. 3 to 8.

No doubt, defendant No.1 has executed a sale deed in favour of the plaintiffs on 31.03.2008 with respect to land measuring 22 kanals and 13 marlas. However, the aforesaid sale deed is for a consideration of Rs.18,40,312/-.

Both the Courts have found that the plea of the plaintiffs in pleadings and evidence is contradictory. The Courts have further found that a suit qua challenge to the sale deed is barred by time. Further, once appellant No.1 is a marginal witness to the sale deed dated 23.11.2005, the entire stand taken by the plaintiffs stands falsified.

In view thereof, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

23.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No