

**C.M.No.11247-C of 2017 in/and
RSA No.5037 of 2014 (O&M)**

-1-

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

**C.M.No.11247-C of 2017 in/and
RSA No.5037 of 2014 (O&M)
Date of Order:20.02.2018**

Jaswant Kaur @ Macmullen

..Appellant

Versus

Balwant Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gautam Dutt, Advocate, for
Mr. Anurag Arora, Advocate,
for the applicant-appellant

ANIL KSHETARPAL, J.

CM No.11247-C-2017

Prayer is in this application is for restoration of the appeal,
which was dismissed for non-prosecution.

For the reasons stated in the application, which is supported by
an affidavit, the application is allowed and the appeal is restored to its
original number and stage.

MAIN

With the consent of learned counsel for the appellant, the case
is taken up on Board.

Heard.

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

Plaintiff claims that she is owner in possession of the land
measuring 134 Kanals 2 Marlas.

Both the Courts after appreciating the evidence available on the file have found as a matter of fact that the plaintiff appointed her father Gurcharan Singh as General Power of Attorney dated 24.05.1989. Gurcharan Singh as attorney of the plaintiff executed three sale deeds in favour of Balwant Kaur sister of the plaintiff-appellant on 03.04.1997 and 03.03.1998. The total area sold was 43 kanals 3 marlas. Both the courts have found that the plaintiff with a free will and volition appointed her father as attorney who has executed the sale deeds. Both the courts below have further found that there were other sale deeds executed in favour of Baljit Singh and Durga Wati, dated 14.08.2006. This Court find that neither the vendees under those sale deeds were impleaded as party nor those sale deeds were challenged.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

February, 20, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No