

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

RSA No.3986 of 2018 (O&M)

Date of Order: 09.07.2018

Smt Kusum

....Appellant

Versus

Jagmal Singh (since deceased) thr his legal heirs & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Salil Dev Singh Bali, Advocate for the appellant.

AJAY TEWARI, J (ORAL)

CM No.10577-C of 2018

For the reasons stated in the application, which is supported by an affidavit, the same is allowed. Delay of 190 days in filing the appeal is condoned.

RSA No.3986 of 2018

Present appeal has been filed against the concurrent judgments and decrees of both the courts below dismissing the suit filed by the plaintiffs-appellant whereby she had challenged general power of attorney executed by her 12 years prior thereto.

The case of the appellant was that she had inherited the property of her father along with her brother and three other sisters and at one stage, her brother had told her that he intended to take loan and required her signatures and on the pretext of those signatures, he had fraudulently got executed a general power of attorney. Both the courts below held that the appellant had not been able to establish the plea of fraud and consequently

dismissed the suit and that is how the instant appeal has been preferred.

Learned counsel for the appellant argued that the Deed Writer who had appeared as witness of the respondents had himself admitted that he had not scribed the document on the instructions of the executant nor had he read over and explained to them. The courts below rightly did not give too much credence to the testimony of this witness who had come out with this statement after about one and half decades but was more influenced by the fact that the second sister, who had also executed the general power of attorney along with the appellant did not support plea of fraud.

I have heard learned counsel for the appellant and perused the paper book meticulously. I have not been persuaded to discard the well reasoned findings of both the courts below on questions of fact. No relevant document has been placed on record enabling this Court to form a different opinion than the one adopted by the courts below. In my view no infirmity or perversity could be found with the concurrent findings recorded by both the courts below warranting any interference by this Court much less no substantial question of law arises for adjudication.

The appeal is dismissed.

Since the main appeal has been disposed of, pending application, if any, stands disposed of.

July 09, 2018
manoj

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No