

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

-:-

R.S.A No. 508 of 2018

Date of decision: 16.04.2018

Pritam Chand & Ors.

... Appellants.

Vs.

Balkar Singh & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vishal Munjal, Advocate, for the appellants.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH, J. (Oral)

Impugned in the present regular record appeal is the judgment dated 21.02.2017 passed by the learned District Judge, Pathankot, affirming the judgment and decree dated 26.11.2014 passed by learned Civil Judge (Jr. Division), Pathankot, vide which suit filed by the plaintiffs-appellants was partly decreed to the effect that relief of recovery of Rs.8,24,571/- along with interest @6% per annum from the date of filing of the suit till the date of decree was allowed. 6% future interest per annum was also allowed.

I have heard learned counsel for the appellant and perused the record.

Plaintiffs had filed a suit for declaration that the general power of attorney dated 06.03.1992 as allegedly executed by him in favour of defendant No.1 – Balkar Singh as well as sale deeds 29.02.2008 and 04.02.2008 in pursuance of power of attorney, are illegal. Plaintiff along with defendant No.1 continued as co-sharer in possession of the land. He also sought permanent injunction. In the alternate a suit for recovery of Rs.9,62,000/- along with interest was also filed.

It comes out that before the trial Court, plaintiffs could not prove that the power of attorney dated 06.03.1992 forged and fabricated. Therefore, it was proved on the basis of the power of attorney that defendant No.1 has executed the sale deed in favour of his wife. Plaintiff claims that he has not received the sale consideration, therefore, alternative relief for recovery of the sale consideration alongwith interest was allowed.

I am of the view that there are concurrent findings of fact by two Courts below. Admittedly, it could not be proved that power of attorney in favour of defendant No.1 is forged and fabricated and therefore defendant No.1 was competent to execute the sale deeds. Only right of the for plaintiff was to get sale consideration, which has been allowed.

There is no illegality and infirmity in the findings recorded by the two Courts below.

Dismissed.

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

April 16, 2018
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(KULDIP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No