

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

RSA No. 6217 of 2017(O&M)

Date of decision: 25.5.2018

Indra Devi and others

....Appellants

VERSUS

Bhagwati and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Abhimanyu Singh, Advocate for the appellants.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for possession filed by successors in interest of Sh. Shyam Lal, original allottee of plot No.571 detailed in para 1 of the judgment of the trial Court has been decreed vide judgment and decree dated 23.03.2016 and the appeal preferred by unsuccessful defendants No.1 to 3 did not find favour with the Additional District Judge, Gurugram vide decision dated 24.10.2017.

The primary dispute between the parties is with regard to General Power of Attorney bearing registration No.3887 dated 08.02.1989 and agreement to sell dated 23.06.1989 purported to be executed by Shyam Lal (erstwhile owner of the suit property) in favour of Devi Ram, his brother (since deceased) and payment of entire sale consideration of Rs.45,000/- to Sh. Shyam Lal at the time of execution of agreement to sell.

Counsel for the appellants would urge that though two of the successors in interest of Shyam Lal instituted the suit for recovery of possession but three sons of said Shyam Lal appeared in the witness box and admitted correctness of the General Power of Attorney and agreement of sale, therefore, findings recorded by the Courts cannot be allowed to sustain and liable to be set aside.

Perusal of the judgment passed by the trial Court would reveal that with regard to the aforesaid two documents i.e. General Power of Attorney and agreement of sale, criminal proceedings were initiated on the basis of complaints. During police investigation, the documents were sent for examination and comparison by Forensic Science Laboratory at Madhuban and the said laboratory submitted the report that the documents were not thumb marked by Sh. Shyam Lal. The said report dated 08.07.2011 Ex.PB finds reference in para 10 of judgment of the trial Court. Counsel would state that no witness was examined to prove the report. The report prepared by Forensic Science Laboratory, Madhuban of State of Haryana is per se admissible, therefore, is admissible in evidence. Counsel would fairly inform that the appellants did not examine an expert witness to counter and rebut the report Ex.PB. Under the circumstances, the appellants cannot derive any advantage to their contention from the alleged admission made by three sons of Shyam Lal who have been arrayed as defendants. The admission by co-defendants would not obliterate the consequence of report submitted by Forensic Science Laboratory, Madhuban. This apart, science of fingerprints comparison is perfect.

Counsel has failed to point out any discrepancy or legal flaw in the report Ex.PB, relied upon by the respondents/plaintiffs.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

MAY 25, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no