

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

RSA No.399 of 2004 (O&M)

Date of decision: 29.01.2019

Nasib Kaur and others

..... Appellants

Versus

Budh Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. I.S. Brar, Advocate and
Mr. K.S. Brar, Advocate
for the appellants.

Mr. Sanjay Majithia, Sr. Advocate with
Mr. Inderjeet Singh, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Defendants-appellants are in the regular second appeal against the findings of fact arrived at by the Courts below.

Dispute is with regard to the property which Nand Kaur inherited from her father Bachittar Singh. The defendants claimed the property on the basis of sale deed which was executed on the basis of alleged Power of Attorney executed by her. Learned First Appellate Court has found that the thumb impression of Nand Kaur on the alleged Power of Attorney Ex.D-1 has not been proved. It has been found that the thumb impression is of left hand whereas ladies put only right thumb impression. No other document has been produced by the defendant to prove that Smt. Nand Kaur used to put her left thumb impression. Since there is no other document where she had put her left thumb impression, therefore,

comparison of the thumb impression is not possible.

Learned First Appellate Court after re-appreciating the evidence has recorded a positive finding that all other documents produced prove that she used to put her right thumb impression. Since the General Power of Attorney allegedly executed by her has not been proved, therefore, the sale on that basis has also been held to be not binding on the rights of Nand Kaur.

Learned counsel appearing for the appellants although, made sincere attempt, however, keeping in view the findings of the First Appellate Court which is neither shown to be perverse nor result of any misreading or non-reading of substantive evidence, this Court does not find any good ground to interfere.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

29.01.2019

Dinesh Bansal

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No