

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

RSA-4234-2019 (O&M)
Date of decision : 03.02.2020

Bharat Bhushan Gosaian and another

...Appellants

Versus

Pushpa Rani (since deceased) through her LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Kumar Arora, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-11830-C-2019

For the reasons stated in the application, which is duly supported by an affidavit, delay of 8 days in refiling the present appeal is condoned.

Application is allowed.

Main case

Plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below while dismissing the suit filed by them for declaration that the registered sale deed dated 04.05.2015 executed by them is illegal, null and void.

The Courts have also granted decree for possession while allowing counter claim filed by the defendants.

The plaintiffs had filed a suit claiming that they have purchased

land measuring 3.31 marlas vide sale deed dated 26.07.2010 from Dilbagh Singh on payment of ₹2,00,000/-. Thereafter, they constructed a house. It was pleaded that defendant No.2 is a clever person and involved the plaintiff in a habit of drinking and thereafter obtained the signatures of the plaintiff on the blank Performas and Notebooks. Thus, the signatures were obtained with the promise to get a loan sanctioned from the bank. However, under that pretext, the sale deed in question has been got registered.

Defendants contested the suit by pleading that the plaintiffs (husband and wife) had themselves purchased the stamp papers for ₹2000/- and entered into the agreement to sell dated 13.01.2015 and thereafter they executed the sale deed in question.

Both the Courts, on appreciation of evidence, have found that the plaintiffs have failed to prove their case. It has been noticed that plaintiff No.1 himself is an employee in Post Office whereas plaintiff No.2 is Teacher in school. The Courts have also found that the signatures on the agreement to sell are admitted.

Both the Courts have further found that on the reverse side of the sale deed, the plaintiffs have signed at 5 to 6 places.

This Court has heard learned counsel for the appellants. He has submitted that in the sale deed, it has been mentioned that Special Power of Attorney has been read over. Hence, he submitted that the sale deed is not for the purpose of transfer of the property.

This Court has examined the photocopy of the sale deed produced by learned counsel for the appellants.

Learned counsel is referring to stamp of Office of Sub-

Registrar at the time of endorsement which contains general endorsement including if Special Power of Attorney or General Power of Attorney has been produced for registration. An official posted in the office of Registrar is supposed to score off remaining part of the endorsement which is not applicable. On careful reading of the sale deed, it is apparent that both the plaintiffs i.e. Bharat Bhushan Gosaian and Sukhwinder Pal wife of Bharat Bhushan Gosaian had executed the sale deed and got it registered as owners themselves. Therefore, the aforesaid endorsement would not improve the case of the plaintiffs-appellants.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Accordingly, the present Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

03.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No