

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4486 of 2012 (O&M)

Date of Order: 27.02.2020

Smt. Bakshish Kaur

..Appellant

Versus

Lashkar Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S.Nalwa, Advocate,
for the appellant.

Mr. Sandeep Bansal, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

C.M.No.10711-C-2017

For the reasons mentioned in the application, the appeal is restored to its original number and stage.

Application stands disposed of accordingly.

C.M.No.13955-C-2019

Prayer in this application is for bringing on record the legal representatives of Lashkar Singh, respondent no.1.

For the reasons mentioned in the application, which is supported by an affidavit, the application is allowed, subject to all just exceptions. The legal representatives mentioned in paragraph 2 of the application are brought on record for the purpose of prosecuting this appeal only.

Amended memorandum of parties filed along with the application is taken on record.

MAIN

The plaintiff-appellant has filed the present regular second appeal against the concurrent judgments passed by the courts below while partly decreeing the suit filed by the plaintiff-appellant, however, dismissing the part through which plaintiff wants to challenge 3 sale deeds executed by Smt. Bhago, her mother. One sale deed was executed by Smt. Bhago herself, whereas 2 sale deeds were executed through her brother, who was also General Power of Attorney holder.

Learned counsel appearing for the appellant has contended that from the reading of the General Power of Attorney, it is apparent that Smt. Bhago never authorized Hussan Singh, her brother to sell the property. Learned counsel has read over the General Power of Attorney executed by Smt. Bhago in favour of her brother i.e. Hussan Singh. It specifically provides that Hussan Singh shall be entitled to exchange or transfer her property in any manner. The words "transfer in any manner" used here are of utmost significance. Sale is a transfer of the property. Once the words used are 'transfer in any manner', it would include transfer by way of sale. Still further, Smt. Bhago and Hussan Singh were sister and brother. She, after execution of the sale deed remained alive for quite some time but never questioned the sale deed.

Keeping in view the aforesaid facts, there is no ground to interfere.

Dismissed.

February 27, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No