

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

**RSA-6230-2015(O&M)
Date of decision: 29.01.2020**

Dev Raj and others

.....Appellants

Versus

Nitin Jain and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Rajbir Wasu, Advocate for the appellants

Mr. Sushant Kohli, Advocate for the respondents

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants have filed the present Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below. Plaintiffs had filed a suit seeking declaration that the sale deed dated 25.5.2008 executed by defendant No.2 Kashmiri Lal in favour of his son Nitin Jain-defendant No.1, on the basis of General Power of Attorney dated 20.6.1999, is result of impersonation.

Both the Courts have found that plaintiff-appellant No.1 and his brother Mohinder Pal have executed a General Power of Attorney in favour of Kashmiri Lal on 20.6.1999 authorizing him to sell the property. Both the Courts have held that Kashmiri Lal, on the strength of the aforesaid General Power of Attorney, has executed the sale deed. The registered General Power of Attorney is not only signed by both the brothers but their photographs are also affixed thereon. Plaintiff No.1

when appeared in evidence has admitted the correctness of his photograph and signatures. Learned counsel for the appellants submits that Mohinder Pal is missing and is not heard of, since 1983. Both the Courts have found that the plaintiffs have failed to produce reliable evidence to prove that fact.

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

Hence, dismissed.

29.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No