

RSA-5604-2018(O&M) 1

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

**RSA-5604-2018(O&M)
Date of decision: 24.01.2020**

Paramjit Singh Bali (deceased) through successor Mohan Lal

.....Appellant

Versus

Geeta Bali and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vishal Munjal, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

CM-15457-C-2018

For the reasons stated in the application, delay of 15 days in re-filing the appeal is condoned. CM stands allowed.

Main case

The plaintiff-appellant is in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below, while dismissing the suit filed by the plaintiff for declaration that the sale deed dated 15.4.2004 executed by defendant No.1 in favour of defendant No.2, on the basis of power of attorney executed by the plaintiff in favour of defendant No.1, is illegal, null and void with a consequential relief of permanent injunction.

All the parties to this litigation are members of a family. Inder Singh Bali was their common ancestor. The plaintiff as well as defendant No.2 are sons of Inder Singh Bali whereas Smt. Geeta Bali-defendant No.1 is wife of Surjit Singh Bali s/o Inder Singh Bali. The

plaintiff executed a power of attorney authorizing his brother's wife by a registered power of attorney dated 24.3.2004 to deal with the property in any manner including sale of the property. Smt Geeta Bali thereafter sold the property in favour of her husband Surjit Singh Bali vide sale deed dated 15.4.2004. The plaintiff, thereafter, cancelled the power of attorney on 24.9.2005.

Plaintiff has prayed that such sale deed be declared illegal, null and void. Defendant appeared and pleaded that defendant No.2 Surjit Singh Bali was working in Hongkong and the property was purchased from the amount transferred by him in the name of three brothers. It is Surjit Singh Bali who constructed the residential house and plaintiff after receipt of his share in cash had executed power of attorney.

Both the Courts on appreciation of evidence have found that plaintiff has failed to prove his case and therefore, he is not entitled to declaration as is being prayed.

Learned counsel for the appellant, although, made sincere attempt, however, failed to draw attention of the Court to substantive non-reading or mis-reading of evidence or error of law in the judgments passed. Hence, no ground to interfere is made out.

Dismissed.

24.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No