

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 5958 of 2019 (O&M)****Date of Decision: 31.07.2023**

Smt. Meena Sharma

... Appellant(s)

Versus

Puran and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chander Shekhar, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in ***Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157.***

2. The correctness of the concurrent findings of fact arrived by both the Courts below are challenged by the plaintiff in this appeal. The plaintiff's suit for grant of decree of declaration to the effect that the judgment and decree dated 15.05.1995, passed by the Court of competent jurisdiction in the civil suit titled as "Puran v. Smt. Sarla Devi" is illegal with a consequential relief of permanent injunction has been dismissed by both the Courts below.

3. It has been found that the decree was passed because the defendants admitted the claim of the plaintiff. Moreover, it has come on

record that Sarla Devi had executed a registered general power of attorney in favour of the defendant No.12-Ajay Kumar on 10.05.1995, and the plaintiff has failed to prove that the aforesaid general power of attorney was the result of fraud and misrepresentation.

4. The learned counsel representing the appellant has failed to draw the attention of the Court to any substantive misreading or non-reading of the evidence which goes to the root of the case. He also failed to point out any material error in appreciation of the evidence by both the Courts below.

5 Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of fact arrived at by both the Courts below. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 31, 2023

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No