

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

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2024:PHHC:058862

RSA-2260-1994

Date of decision: 30.04.2024

JANG SINGH & ANOTHER

..Appellants

Versus

AMRO BAI

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Sandeep Khunger, Advocate
and Mr. Saksham Khunger, Advocate
for respondent

ANIL KSHETARPAL, J(Oral)

1. The defendant has filed this regular second appeal challenging the concurrent findings of fact arrived at by the Courts below while decreeing the plaintiff's suit for declaration that she is the owner in possession of 12 kanal and 1 marla land and the sale deed dated 09.12.1986, executed by defendant No.1 in favour of his brother defendant No.2 on the basis of a general power of attorney executed by the plaintiff, which stood cancelled before the execution of the sale deed is not binding on her rights. Smt. Amro Bai was the owner of the property. She executed a general power of attorney in favour of defendant No.1 Sh. Jang Singh on 13.10.1986, which was cancelled by a registered instrument dated 28.10.1986, whereas, Sh. Jang Singh executed a registered sale deed in favour of his brother Sh. Kishore Singh on 09.12.1986.

2. Upon appreciation of evidence, both the Courts have come to conclusion that Sh. Jang Singh was aware about the cancellation of general power of attorney executed by Smt.Amro Bai in favour of Sh. Jang Singh, however, still he executed the sale deed.

3. The learned counsel representing the appellants submits that there is no documentary evidence with respect to the intimation of cancellation of general power of attorney in Sh. Jang Singh’s favour. He submits that in absence thereof, the Courts have erred in decreeing the suit.
4. This Court has considered the submissions of the learned counsel representing the parties.
5. There is overwhelming evidence produced by the plaintiff to prove that Sh. Jang Singh knew about the cancellation of general power of attorney executed in his favour. Moreover, the sale is made by Sh. Jang Singh in favour of his brother Sh. Kishore Singh. In absence of documentary evidence, the Courts have relied upon the oral evidence.
6. The learned counsel representing the appellants failed to draw the attention of the Court to any error in appreciation of evidence.
7. Hence, no ground to interfere is made out.
8. Dismissed accordingly.
9. All the pending miscellaneous applications, if any, are also disposed of.

April 30th, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No