

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

2024:PHHC:038419

RSA-3183-2016
Date of decision: 18.03.2024

JAGIR KAUR & ORS ..Appellants
Versus
SADHU SINGH & ANR ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harish Bhardwaj, Advocate
for the appellants.

Mr. S.K. Kaushal, Advocate
for respondent No.2.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the Courts below while dismissing their suit for grant of decree of declaration that the plaintiffs are co-owners in joint possession of the property and thus the five sale deeds executed in favour of the defendants are illegal, null and void.
2. It has come on record that plaintiff No.2 and 3 appointed their mother as the general power of attorney. On the strength of general power of attorney, plaintiff No.1 executed as many as five sale deeds on behalf of plaintiff No.2 and 3 as well as herself. It has also come on record that the plaintiffs invested the amount of sale consideration by purchaser 'Kisan Vikas Patras'.
3. Thus, the plaintiffs suit was dismissed by both the Courts below.
4. The learned counsel representing the appellant submits that the sale deeds executed by the plaintiffs was without payment of consideration

and plaintiff No.1 is an illiterate late.

5. This Court has considered the submissions of the learned counsel representing the parties.
6. As per the findings of fact arrived at by the Courts below, it is evident that the defendants successfully proved that the plaintiffs on receipt of sale consideration invested the amount and purchased ‘Kisan Vikas Patras’. Moreover, in the sale deeds, there is a specific recital of receipt of the amount of sale consideration.
7. It is also proved that the appellant No.1 has sufficient exposure to the world and she is not a ‘*parda nashin*’ lady. She has invested the amount of sale consideration in ‘Kisan Vikas Patras’, hence, she cannot claim ignorance of five sale deeds, which were executed by her.
8. The learned counsel representing the appellants submits that at the time of registration of the sale deed, the amount was not paid.
9. Be that as it may.
10. The plaintiff No.1 while executing the sale deed has acknowledged the receipt of entire sale consideration.
11. Hence, no ground to interfere is made out.
12. Dismissed accordingly.
13. All the pending miscellaneous applications, if any, are also disposed of.

March 18th, 2024

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(ANIL KSHETARPAL)
JUDGE

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