

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 5756 of 2018****Date of Decision: 16.01.2024**

Smt. Harsharan Kaur

... Appellant(s)

Versus

Satpal Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashwani Verma, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab and 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. In this regular second appeal, the correctness of the concurrent findings of facts, arrived at by both the Courts below, is assailed by the plaintiff.

3. The plaintiff filed a suit for the grant of decree of possession with respect to the land measuring 33 kanals and 8 marlas along with the decree for the recovery of mesne profits for the use and occupation of the premises.

4. In substance, the plaintiff and the defendants are the children of

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Harbhajan Singh. In other words, the plaintiff is the sister of the defendants. She executed a general power of attorney in favour of the defendant No.1, who, in turn, executed the registered transfer deed in favour of the defendant No.2 on 04.03.2005. On 24.10.2013, the plaintiff filed the suit claiming that she is living in Canada and she never authorized the execution of the transfer deed.

5. Both the Courts below, on the careful examination of the general power of attorney, came to a conclusion that the plaintiff, while executing the general power of attorney, included the power to transfer the property in any manner. This Court has also examined a copy of the general power of attorney which includes all the powers including sale, exchange, lease, mortgage as well as the transfer.

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

(Anil Kshetarpal)
Judge

January 16, 2024
“DK”

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