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

**RSA-1319-2022 (O&M)
Date of decision : 12.08.2025**

TRIPTA DEVI AND ANOTHER

....Appellants

Versus

RAVINDER KAUR AND ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Navinder Jit Singh Dandiwal, Advocate
for the appellants.

PANKAJ JAIN, J. (ORAL)

Challenge is to the judgments and decrees passed by both the Courts below whereby the suit filed by the plaintiff has been ordered to be decreed.

2. For convenience and to avoid confusion, the parties hereinafter are referred to by their original position before the Court of the First Instance, i.e. the appellants as defendants No.2 and 3 and respondent No.1 as the plaintiff and respondent No.2 as defendant No.4.

3. Plaintiff filed suit for declaration claiming decree to the effect that she is owner in possession of the land measuring 7 Kanals 3 Marlas, on the basis of sale deed dated 30.04.2010 executed by defendant No.4 as



attorney of defendant No.1 in favour of the plaintiff. Further challenge was laid to the sale deed dated 07.05.2010 executed by defendant No.1 in favour of defendants No.2 and 3 claiming that the same is illegal, null and void and without consideration and is a sham transaction.

4. Defendant No.1 is admittedly owner of the land in question. It has come on record that he executed power of attorney in favour of defendant No.4. On the strength of such power of attorney, defendant No.4 executed sale deed in favour of the plaintiff on 30.04.2010. Thereafter, defendant No.1 executed sale deed in favour of defendants No.2 and 3 on 07.05.2010. Plaintiff challenged the said sale deed executed by defendant No.1 in favour of defendants No.2 and 3.

5. Suit was contested by defendants No.1 to 3. It was denied that defendant No.4 was ever authorized by defendant No.1 to execute sale deed. It was claimed that defendant No.4 forged power of attorney dated 25.11.2009 claiming the same to have been executed by defendant No.1. On the basis of such forged power of attorney, sale deed dated 30.04.2010 was executed in favour of the plaintiff.

6. Defendant No.4 filed separate written statement admitting execution of sale deed dated 30.04.2010 on the strength of General Power of Attorney, dated 25.11.2009, executed in his favour by defendant No.1. He also admitted that the possession of the land was delivered to the plaintiff pursuant to sale deed.



7. On the basis of the pleadings, following issues were framed:

- “1. Whether the plaintiff is entitled to the relief of declaration as prayed for? OPP
2. Whether the plaintiff is entitled to permanent injunction as prayed for? OPP
- 2A. Whether the sale deed dated 30.04.2010 executed by defendant No.4 as attorney of defendant No.1 in favour of the plaintiff? OPP
- 2B. Whether the sale deed/transfer deed dated 07.05.2010 executed by defendant No.1 in favour of defendant No.2 and 3 are illegal, null and void and without consideration and sham transaction?OPD
- 2C. Whether the mutation no. 3692 on the name of defendant No.2 and 3 on the basis of sale deed/transfer deed dated 07.05.2010 is wrong, illegal and liable to be corrected? OPP
3. Whether suit of the plaintiff is not maintainable in its present form? OPD
4. Relief.”

8. Trial Court while deciding Issue No.2A, relied upon the testimony of the witnesses to the sale deed dated 30.04.2010. Further reference was made to statement of Tripta Devi, defendant No.2, who admitted ownership of the plaintiff w.e.f. 30.04.2010 and also admitted signatures of her husband on power of attorney dated 25.11.2009. Holding that the sale deed dated 30.04.2010 was validly executed in favour of the plaintiff by defendant No.4 acting as power of attorney of defendant No.1



for a valuable consideration of Rs.6.00 lacs, Trial Court decided Issue No.2A in favour of the plaintiff and accordingly decreed the suit.

9. The findings recorded by the Trial Court, stand affirmed by the Lower Appellate Court.

10. Counsel for the appellants has assailed the findings recorded by the Courts below, to submit that despite there being specific stand taken by defendants No.1 to 3 that the power of attorney propounded by defendant No.4, dated 25.11.2009, was result of forgery, the Courts below have wrongly decreed the suit filed by the plaintiff. He submits that in fact the sale consideration of Rs.8,30,000/- was never paid to defendants No.1 to 4.

11. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that defendants No.1 to 3 claimed that GPA dated 25.11.2009, on the basis of which sale deed was executed in favour of the plaintiff by defendant No.4 acting as attorney of defendant No.1, was claimed to be forged and fabricated document. However, no evidence was led by the defendants to prove the same. Rather, defendant No.2 Tripta Devi, who appeared as DW-2, admitted signatures of her husband on power of attorney. Though, at the same time she claimed that the power of attorney was later on cancelled by Balwan Singh, but no document was produced to prove the same.

12. In view thereof, this Court does not find any reason to interfere in pure findings of fact recorded by Courts below which are result of proper



appreciation of evidence on record. Resultantly, finding no merit in the instant appeal, the same is ordered to be dismissed.

13. Pending application(s), if any, shall also stand disposed off.

August 12, 2025

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No