



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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RSA-475-2024 (O&M)

Date of Decision.:24.03.2025

Sandeep Chaudhary

.....Appellant

Vs.

Mahesh Kumar and Others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Abhinav Gupta, Advocate and  
Mr. Aditya Sharma, Advocate for  
the appellant.

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**DEEPAK GUPTA, J. (ORAL)**

This appeal is by defendant No.1 of the suit, against the concurrent findings of the Courts below. Suit for declaration filed by plaintiffs Mahesh Kumar and others (*respondent Nos.1 to 8 herein*) was partly decreed by holding that they (plaintiffs) were entitled to recovery of ₹73,92,000/- from defendant No.1 (*appellant herein*), who was directed to pay the same to the plaintiffs within three months from the date of judgment dated 27.01.2020, failing which interest @ 6% per annum was chargeable. Appeal filed by the appellant-defendant No.1 was dismissed by the first Appellate Court on 31.03.2023.

2. Assailing the aforesaid concurrent findings, it is contended by learned counsel that evidence on record has not been properly appreciated inasmuch as appellant-defendant No.1 had paid the sale consideration to plaintiff No.7 Smt. Purnima.

3. After hearing learned counsel and perusing the paper-book, this Court does not find any merit in the contention.

4. Plaintiffs are brothers and sisters. They had appointed



defendant No.1 Sandeep Chaudhary, who is their maternal uncle's son, as their attorney vide Ex.P6 and P7. Except plaintiff No.7, all other plaintiffs reside out of the country. Plaintiffs assailed the sale deed dated 25.03.2013 executed by defendant No.1 as attorney of the plaintiffs, in favour of defendant Nos.2 to 6 (*respondent Nos.9 to 13 herein*) on the ground of fraud. It was also claimed that power of attorney in favour of defendant No.1 had already been cancelled on 05.09.2013.

5. Defendants contested the claim. As per defendant No.1, he had executed the sale deed as general power of attorney holder of the plaintiffs, in favour of defendant Nos.2 to 6 and had received sale consideration of ₹73,92,000/-, which he had paid to plaintiff No.7 in the presence of his friend Ajay Kumar.

6. Necessary issues were framed. Evidence produced by the parties was taken on record. Courts below recorded concurrent findings to the effect that on the basis of general power of attorney in his favour executed by the plaintiffs, defendant No.1 had executed the sale deed Ex.P13 in favour of defendant Nos.2 to 6 and had received an amount of ₹73,92,000/- on their behalf. It was further found that the stand of defendant No.1 to the effect that he had already paid the said amount to plaintiff No.7 Smt. Purnima, was not proved. It was found that except for the testimony of DW-4 Sandeep Chaudhary and that of his friend DW5 Ajay Kumar, there was no evidence to support this stand. There was no receipt placed on record. DW-5 Ajay Kumar was found to be working as press reporter with defendant No.1 Sandeep Chaudhary and so, their testimony was found to be unreliable to show that without obtaining the receipt, the huge amount of ₹73,92,000/- had been paid to plaintiff Purnima. In her testimony, plaintiff Purnima examined as PW-7 had categorically denied to receive any amount from defendant No.1.

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7. Learned counsel for the appellant could not convince this Court about any illegality or perversity in the judgments passed by the Court below. He concedes the fact that there is no receipt showing that amount of ₹73,92,000/- had been paid by appellant-defendant No.1 to plaintiff Purnima.

8. In view of the aforesaid circumstances, this Court does not find any ground to interfere in the concurrent findings of facts as recorded by the Courts below. In the absence of any illegality or perversity, no interference is called for.

Dismissed.

All the miscellaneous application(s), if any, stand disposed of.

**(DEEPAK GUPTA)**  
**JUDGE**

**March 24, 2025**

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No