

Foujdar Kameshwar Dutt Singh

Vs

Ghanshyamdas and Another

Civil Appeal No. 2762 of 1977

(O. Chinnappa Reddy, M. H. Kania, K. Jagannatha Shetty JJ)

11.08.1987.

ORDER

1. The High Court has found that Kameshwar Dutt Singh, though a major on the date when the suit property was sold by his elder brother to the plaintiff, was aware of the sale. His mother was aware and everyone in the village was also aware of the sale. The sale was not a secret affair. It was an open transaction. It was the elder brother who was managing the property all the time with the active association and cooperation of the mother. Kameshwar Dutt Singh was not in a position to manage the land as he was elsewhere studying. Even after the sale he allowed the plaintiff-purchaser to be in possession of the land for nearly seven years. In addition, he along with his brothers executed a document Ex. 2-D 1, by which they chose to affirm all the acts done by their elder brother, Satya Prakash Singh, who was actually managing their affairs. On those facts, the High Court held that a case of implied agency had been established. We are unable to take a different view of the matter. We, therefore, confirm the judgment and decree of the High Court and dismiss the appeal. No costs.

</html