

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

Regular Second Appeal No.2620 of 1986 (O&M)

Date of decision: 15.7.2015

Jagan Nath

... Appellant

Versus

Rekha Lands Pvt. Ltd.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Neeraj Khanna, Advocate,
for the appellant.

None for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This is plaintiff's second appeal against the concurrent findings of fact recorded by both the courts below in a suit for permanent injunction restraining the defendants from alienating the property in which they had entered into an agreement to sell with the defendants-vendors. Part payment under the contract was paid and the balance remains. However, learned counsel for the appellant submits that this appeal arises out of prayer for permanent injunction and the plaintiff did not file a suit for possession by way of specific performance and that is why the courts *a quo* have non-suited him. If the appellant who was a real estate developer has not cared to press his main prayer for specific performance, then it is too late in the day to claim a permanent injunction against alienation of the property against the vendor/s. Therefore, there is no life in this appeal. I have no reason to

differ with the views expressed by both the courts below in their well reasoned judgments and decrees which do not give rise to a question of law much less a substantial question of law warranting interference in the second appeal jurisdiction.

The appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

July 15, 2015
Paritosh Kumar