

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Regular Second Appeal No. 185 of 1991 (O&M)  
Date of decision: 24.7.2015

**Girdhara Singh (deceased) through LRs**

**.. Appellant**

**v.**

**Smt. Phoolan Rani and others**

**.. Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Arvind Seth, Advocate for the appellant.

Mr. Sanjay Vij, Advocate for respondent No. 1.

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Rajesh Bindal J.

The plaintiff has filed the present appeal against concurrent findings of fact recorded by both the courts below, whereby the suit filed by him for permanent injunction restraining the defendants from cutting and removing trees from the suit land, was dismissed.

It is claimed that the appellant and defendants-respondents No. 1 to 7 were owners of the suit land having 56/100 share. They vide agreement dated 29.3.1985 had sold their share in trees standing on the land for a total consideration of ₹ 60,000/-. Earnest money of ₹ 10,000/- was paid. After payment of another sum of ₹ 20,000/- to the vendor, the appellant could start cutting the trees. Balance of ₹ 30,000/- was to be paid after 50% of the trees were removed. The suit was filed taking the plea that defendants No. 8 to 10 had started asserting that they had, in fact, purchased the trees which had already been sold to the appellant. It is not in dispute that the appellant-plaintiff, who filed a suit only for permanent injunction, did not file any suit for specific performance of the agreement. In the absence thereof, the relief prayed for by him merely for injunction is of no

consequence.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed.

(Rajesh Bindal)  
Judge

24.7.2015  
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