

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

Regular Second Appeal No.3628 of 2011 (O&M)

Date of decision: 3.7.2015

Mehal Singh and another

... Appellants

Versus

Tehal Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.L.S.Sidhu, Advocate,
for the appellants.

Mr.G.N.Malik, Advocate,
for the respondent.

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 appeal. The only issue raised in this appeal is against denial of specific performance while decreeing the earnest money to be refunded along with interest till realisation. The trial Court decreed the suit. In the defendant's appeal, the findings of the trial Court with respect to the grant of relief of specific performance was reversed and instead, refund has been ordered. The reason to deny the relief of specific performance lies in the fact that the plaintiff did not pray for possession of the property. If he did not pray for possession of the property, then the lower appellate court was justified in denying the discretionary relief of specific performance.

I find no reason to upset the findings of the lower appellate court and would dismiss the appeal since no question of law, much less a substantial one, arises for consideration of this Court in the second appeal side under Section 100 CPC.

(RAJIV NARAIN RAINA)
JUDGE

July 3, 2015
Paritosh Kumar