

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1069 of 2012 (O&M)
Date of decision: 9.4.2015

Ramesh Kumar

.. Appellant

v.

Shyam Singh and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Som Nath Saini, Advocate for the appellant.
Mr. Tarun Dhingra, Advocate for respondent No. 1.
Mr. Shyam Singh Chhokar, Advocate for respondent No. 2.

...

Rajesh Bindal J.

Challenge in the present appeal filed by the plaintiff is to the judgments and decrees of the courts below, whereby the suit filed by him for declaration to the effect that agreement to sell dated 8.4.2007 allegedly executed by him was illegal, non-existent and was a result of fraud. Both the courts below did not find merit in the contentions raised by the appellant, hence, dismissed the suit.

Learned counsel for the respondents pointed out that Civil Suit No. 196 of 2007 was filed by respondent No. 1 against the present appellant for possession by way of specific performance of agreement to sell dated 8.4.2007. It was decreed by the learned trial court vide judgment dated 8.3.2013 and against the same, the present appellant did not prefer any appeal.

Considering the contention raised by learned counsel for the respondents, once in a separate suit filed by respondent No. 1 with reference to the same agreement to sell, decree has been passed against the present

appellant and further the plea of fraud or the agreement to sell being in-operative on account of any other ground raised, could very well be raised and may have been raised in the suit filed by respondent No. 1 against the present appellant, in my opinion, there is no merit in the present appeal.

No substantial question of law arises. The appeal is, accordingly, dismissed.

(Rajesh Bindal)
Judge

9.4.2015
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