

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 49 of 2012 (O&M)
Date of decision: 6.8.2015

Krishan Kumar

.. Appellant

v.

Mahender Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rose Gupta, Advocate for the appellant.

...

Rajesh Bindal J.

Challenge in the present appeal is to the judgment and decree of the lower appellate court, whereby the suit filed by the appellant-plaintiff seeking declaration as owner of the suit property on the basis of an agreement to sell dated 17.7.1992 executed by late Dhanpat in favour of the appellant-plaintiff, was dismissed.

Learned counsel for the appellant has not been able to point out any provision of law or any judgment in his favour, which could add weight to his argument that merely on the basis of agreement to sell, a proposed vendee can be declared to be owner of the suit property when he did not file any suit for specific performance of agreement to sell within the period of limitation and a suit for declaration claiming ownership merely on the basis of agreement to sell dated 17.7.1992 was filed on 15.6.2007.

For the reasons mentioned above, I do not find any reason to interfere with the findings of fact recorded by the learned lower appellate court in dismissing the suit filed by the appellant.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed. Consequently, the accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

6.8.2015
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