

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

RSA No.2368 of 2013 (O&M)

Date of Decision: 29.07.2015

Kashmir Singh

.....Appellant

Versus

Jasbir Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Saurabh Chugh, Advocate,
for appellant.

Mr. V.K.Shukla, Advocate,
for the respondents.

SHEKHER DHAWAN, J (Oral)

Present Regular Second Appeal is against concurrent findings of both the Courts below whereby suit filed by plaintiff for specific performance of agreement of sale dated 04.12.2000 was decreed and Court of first appeal dismissed the appeal of defendant-appellant.

2. For the sake of convenience the parties are being referred to as per their status before the Court of first instance.

3. Learned counsel for appellant-defendant mainly took the plea that Courts below have completely ignored the fact that it was a case of forgery and fabrication of the documents and there was no evidence on record to prove execution of said agreement of sale dated 04.12.2000. So

present appeal be accepted and judgments of both the Courts below be set aside.

4. Having considered the submissions made by learned counsel for the appellant, this Court is of the considered view that the plea regarding forgery was taken specifically before both the Courts below. Rather both the Courts below appreciated the oral and documentary evidence available on file minutely and reiterated concurrent findings of fact that the agreement of sale dated 04.12.2000 was duly executed and same has been proved on the file. There are absolutely no substantial question of law involved in this case calling for acceptance of the appeal invoking provisions of Section 100 of Code of Civil Procedure. There is nothing on file to set aside the concurrent findings of both the Courts below. Such a law was laid down by Hon'ble Supreme Court in case **Santosh Hazari Vs. Purushottam Tiwai (dead) by LRs., 2001(3) SCC 179** that if concurrent findings recorded by both the Courts below, there is no substantial question of law involved in this case, Regular Second Appeal is not maintainable as per provisions of Section 100 of Code of Civil Procedure.

5. In view of the above, Regular Second Appeal being without any merit stand dismissed.

(SHEKHER DHAWAN)
JUDGE

July 29, 2015
msd