

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

**RSA No.2415 of 2013 O&M)
Date of decision: 13.01.2015**

Vikram Singh Tanwar ... Appellant
Vs.

Desh Raj and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jaswinder Singh, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.6604-C-2013

For the reasons stated in the application, which is duly supported by an affidavit, delay of 7 days in filing the appeal is condoned.

C.M. stands disposed of.

RSA No.2415 of 2013 (O&M)

This regular second appeal is directed against the judgments and decrees of the Courts below whereby the suit of the plaintiff-appellant for specific performance of the agreement to sell dated 31.10.2005 in respect of Industrial plot No.E-27 measuring 250 square yards, situated in Industrial Focal Point, Chanalon near Kurali, Punjab, has been dismissed by both the Courts below to the effect that plaintiff-appellant is entitled to the recovery of earnest money of ₹ 1,00,000/- paid by him to defendant No.1 along with interest @ 12% per annum from the date of agreement to sell dated

31.10.2005 till the date of decree and future interest @ 6% per annum from the date of decree till its realization.

It is a matter of record that allotment of plot was made to the respondent-defendant No.1 by Punjab Small Industries of Export Corporation Limited-defendant No.2 and allotment letter contained a clause which indicated the status of the allottees as not of owner but as lessee.

As per the terms and conditions of the allotment letter, in case the allottees intends to transfer the plot, the procedure is to transfer the plot by way of transfer deed and not in the manner adopted by plaintiff-appellant.

Both the Courts below have rightly dismissed the suit for specific performance of the agreement to sell dated 31.10.2005 Ex.P1 and partly allowed the suit by granting the relief of refund of earnest money of ₹ 1,00,000/- along with interest @ 6% per annum from the date of decree till its realization.

There is no illegality much less perversity in the findings recorded by the Courts below.

No substantial question of law arises for adjudication of this appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 13, 2015
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