

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 4779 of 2013(O&M)
Date of decision : November 5, 2015

Hardeep Singh

..... Appellant

Versus

Bhajan Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rahul Rampal, Advocate
for the appellant.

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?

Amit Rawal, J (oral).
CM No.12862-C of 2013

This is an application under Section 149 CPC for making good the deficiency in court fee.

The application is allowed.

The appellant is permitted to make good the deficiency in court fee.

RSA No. 4779 of 2013(O&M)

The challenge in the present appeal is to the concurrent finding of fact whereby suit of the respondent-plaintiff for specific performance of agreement to sell dated 7.5.2007 was partly decreed with refund of ₹1 lac along with interest @ 6% interest.

Learned counsel for the appellant-defendant submits that the agreement to sell was emphatically denied being a

loan transaction. In essence, the land was not agreed to be sold as the appellant-defendant was not owner of the land. The witnesses have also mentioned that it was a sham transaction and thus, prays that both the courts below have not appreciated these facts. Thus, substantial question of law arise for determination by this Court.

I have heard learned counsel for the appellant and appraised the paper book.

Both the courts below did not grant the discretionary relief by holding that the respondent-plaintiff was not owner of the land as he was also holding an agreement to sell in respect of property agreed to be sold, thus, ordered for refund of money as payment of the same was proved through the testimony of the witnesses.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgment and decree of the appellate court.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

November 5, 2015
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