

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 5014 of 2013 (O&M)
Date of decision: 3.7.2015

Amit Anand

.. Appellant

v.

Kuldip Kumar

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Bhag Singh, Advocate for the appellant.

...

Rajesh Bindal J.

The plaintiff is before this court impugning the judgments and decrees of the learned courts below, whereby the suit for possession by way of specific performance of agreement to sell filed by him, was decreed only to the extent of refund of double the amount of earnest money along with interest.

Agreement to sell for a plot measuring 58.8 square yards was entered into between the parties on 15.6.2004 for a total sale consideration of ₹ 1,20,000/-. A sum of ₹ 25,000/- was paid in advance. Last date for registration of the sale deed was fixed as 22.7.2004, which was extended to 22.9.2004 with the condition that parties shall obtain NOC from District Town Planner and in case the sale deed could not be registered upto 22.9.2004, the vendor shall return the earnest money to the vendee and the agreement shall stand cancelled. It is not in dispute that there being restriction on registration of the sale deed in the area and the permission having not been granted, the sale deed could not be registered upto 22.9.2004. It was under those circumstances that the trial court decreed the

suit filed by the appellant for refund of double the amount of earnest money within two months and on failure interest @ 12% per annum was payable. In appeal filed by the appellant and in the cross objections filed by the respondent, the judgment and decree of the trial court was modified while reducing the interest from 12% per annum to 8% per annum.

Once the parties had themselves agreed for cancellation of the agreement to sell in case the sale deed was not registered upto 22.9.2004, then the only right the vendee had was to get refund of earnest money. In my opinion, there is no illegality in the judgments and decrees passed by the courts below. No substantial question of law arises in the present appeal.

Dismissed.

(Rajesh Bindal)
Judge

3.7.2015
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