

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

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RSA No.947 of 2013 (O&M)

DATE OF DECISION: January 16, 2015

Subhash Chander

....Appellant.

VERSUS

Harish Bhatia and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Ms. Seema Arora, Advocate
for the appellant.

MAHAVIR S. CHAUHAN, J.(Oral)

Judgment and decree dated 25.7.2012 passed by learned Additional District Judge, Sri Muktsar Sahib, dismissing defendants' appeal against judgment and decree dated 09.09.2011 passed by learned Additional Civil Judge (Senior Division), Muktsar Sahib, decreeing plaintiff's suit for possession by way of specific performance of agreement of sale dated 12.03.2007, is under challenge in this Regular Second Appeal brought by the defeated defendant.

I have heard the learned counsel for the appellant.

Learned counsel for the appellant argues that execution of agreement for sale by the vendee has not been proved and plaintiff's willingness and readiness have also remained unestablished.

However, the question with regard to proof of the agreement of sale, readiness and willingness of the vendee are questions of fact and

both these questions have been answered by the courts below against the plea of the appellant. These questions cannot be gone into in the Regular Second Appeal. Incidentally, no substantial question of law is shown to be involved in the instant appeal.

In view of the above, I am not inclined to interfere with the findings recorded by the Courts below.

Dismissed.

(MAHAVIR S. CHAUHAN)
JUDGE

January 16, 2015.

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