

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

RSA No.3373 of 2015 (O&M)

Date of decision : 19.11.2015

Mohinder Kaur

...Appellant

Versus

Gurbachan Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Ramesh Sharma, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

CM No.8137-C of 2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 13 days in filing the appeal is condoned.

Application stands allowed.

Main case

The appellant-defendant is in Regular Second Appeal against the concurrent findings of fact, whereby respondent-plaintiff has been non-suited on the ground of specific performance of the agreement to sell but has been granted the relief of refund of earnest money.

Mr. Ramesh Shrama, learned counsel appearing on behalf of appellant submits, that once the agreement to sell has been proved, there was no occasion for the Courts below to order for refund of the earnest money.

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

Both the Courts below have concurrently found that agreement to sell has been proved but there was no readiness and willingness on the part of respondent-plaintiff and thus ordered for refund of the earnest money.

I do not intend to differ with the findings rendered by the Courts below which is based upon appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination.

Appeal is dismissed.

19.11.2015

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**(AMIT RAWAL)
JUDGE**