

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 4 of 2015 (O/M)
Date of decision : 7.9.2015

Dilawar Singh

..... Appellant

Versus

Lachhman Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajesh Narang, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 9.10.2014, passed by the learned Additional District Judge, Fazilka, affirming the judgment and decree dated 9.4.2012, passed by the learned Additional Civil Judge (Senior Division), Fazilka, vide which the suit of the plaintiff/respondent No. 1 for specific performance and permanent injunction was decreed.

The learned counsel for the appellant has contended that the suit was undervalued. The total sale consideration was Rs. 5 lacs and the suit was filed as if the total sale consideration was Rs. 4 lacs. However, no such objection was taken before the lower Court and cannot be taken for the first time in regular second appeal. The

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learned counsel has further contended that out of 10 Kanal land, agreed to be sold, 4 Kanal land has already been sold to the plaintiff/respondent No. 1 and two separate sale deeds were executed and that the decree is regarding remaining 6 Kanal land. The learned counsel for the appellant has further argued that the plaintiff/respondent No. 1 had claimed that the possession is with him and no decree for possession has been passed, though some contrary admissions were made in the evidence.

I am of the view that if the plaintiff/respondent No. 1 has failed to claim some relief, defendant should not have any grievance. It is also findings of facts whether the plaintiff was in possession and whether he is to be granted some relief regarding the possession or not.

It comes out that the agreement is not disputed and some of the land has already been transferred to the plaintiff/respondent No. 1 in compliance with the agreement of sale. The findings of facts have been recorded by both the Courts below. No question of law much less the substantial question of law arises in the present appeal. Hence, the present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

7.9.2015
sjks

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..... Revisionist

Versus

..... Respondent

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