

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 2016 of 2014 (O/M)
Date of decision : 3.11.2015

Sukhwinder Singh and another Appellants

Versus

Jaswant Singh Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Naresh Kumar Manchanda, Advocate,
for the appellants.
Mr. S.K. Arora, Advocate, for respondent.

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 9.9.2013, passed by the learned Additional District Judge, Ferozepur, affirming the judgment and decree dated 9.10.2009, passed by the learned Additional Civil Judge (Senior Division), Ferozepur, vide which the suit of the plaintiff for specific performance of the agreement of sale dated 7.6.2000 regarding land measuring 16 kanals, was decreed with costs.

According to the plaintiff, defendants entered into an agreement of sale dated 7.6.2000 in favour of plaintiff. The defendants agreed to sell their land measuring 16 kanals at the rate of Rs. 1.50 lacs per acre. The defendants receive Rs. 1.75 lacs as

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earnest money. They (defendants) had inherited the said property from their father Suba Singh. The sale deed was to be executed after 15.5.2003 after getting the mutation sanctioned in their favour. On 15.5.2003 was a holiday. Therefore, on the next date, the plaintiff appeared before the Sub Registrar, Ferozepur, alongwith balance sale consideration and expenses of sale, but the defendants did not turn up. The plea of the defendants is that Sukhwinder Singh (defendant No. 1) had been cultivating the land measuring 16 kanals, owned by his father Suba Singh. He had been selling agriculture produce at the commission agency shop of Sukhwant Singh, the real brother of Jaswant Singh (plaintiff) known as M/s Sukhwant Singh, Commission Agent Mallanwala. Sukhwinder Singh (defendant No. 1) had been obtaining some amount from the commission agency shop of Sukhwant Singh and sometimes, he had been sending his brother Joginder Singh to obtain money from the said commission agency shop. The signatures/thumb impressions of Sukhwinder Singh and Joginder Singh were obtained on Bahis and other documents and might have been converted into agreement of sale. The receipt of the sale consideration was denied.

I have heard the learned counsel for the appellants, the learned counsel for respondent and have also carefully gone through the file.

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It comes out that in the agreement of sale, the stamp paper is recorded to have been purchased from a stamp vendor by Sukhwinder Singh. Nothing has been proved by the defendants/appellants to show that the stamp paper was not so purchased from the said stamp vendor. The agreement bear the signatures of Sukhwinder Singh as well as of Harjinder Singh (defendants).

The plea of the learned counsel for the appellants is that infact the other defendant is Joginder Singh and not Harjinder Singh. The lower Court has observed that the mutation has been sanctioned in favour of Sukhwinder Singh and Harjinder Singh. However, it also comes out that even if it is assumed that Harjinder Singh is infact known as Joginder Singh, no effort was made by the present appellants to get the signatures/thumb impression of Harjinder Singh compared with the specimen signatures/thumb impression to be of Joginder Singh to show that his signatures are forged. Therefore, the dispute of identity was rightly discarded by both the Courts below and findings of facts have been recorded. Therefore, no substantial question of law arises in the present regular second appeal. Hence, the present regular second appeal is dismissed.

3.11.2015
sjks

(KULDIP SINGH)
JUDGE