

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

121

**RSA-2796 of 2014 (O&M)
Date of Decision-05.10.2015**

Gursharan Singh

Appellant

Versus

Seva Singh

Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (ORAL)

CM No.12588-C of 2015

This is an application for preponing the date of hearing.
Application stands allowed. Main appeal is taken up today.
Heard on merits.

CM No.6663-C of 2014

For the reasons mentioned in the application, delay of 1
day in filing the appeal is condoned.

Application stands disposed of.

RSA No.2796 of 2014

[1]. Defendant is in second appeal against concurrent judgments and decrees passed by the Courts below. Agreement to sell was executed on 22.03.2004. An earnest amount to the tune of Rs.5 lacs was paid on that date. Date for execution of sale deed was fixed as 22.03.2005. Condition incorporated in agreement to sell was that the defendant was to redeem the land upto 22.03.2005.

[2]. As per terms and conditions of the agreement to sell, plaintiff got his presence marked before the Sub Registrar but the defendant put off the matter without there being any justified reasons. In the written statement, plea of loan has been raised. Execution of agreement to sell has been proved with reference to statements of Laxman Singh and Bhajjan Singh who had witnessed the agreement as marginal witness and scribe of the document respectively. Trial Court decreed the suit qua recovery of Rs. 10 lacs. Amount of Rs.5 lacs was granted as actual amount and additional amount of Rs.5 lacs was granted as damages with 12 per cent interest from the date of institution of suit till the final realisation.

[3]. Appellate Court has accepted the appeal to the extent of reducing the rate of interest from 12 per cent to 6 per cent per annum from the date of decree till final realisation of the amount. Since the execution of agreement to sell is proved, decree for recovery of the amount has been ordered solely on the ground that possession of the land was found to be with the defendant.

[4]. No law point worth consideration is involved. Consequently, the appeal is found to have no merits and the same is accordingly dismissed.

October 05, 2015
prince

(RAJ MOHAN SINGH)
JUDGE