

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

**RSA No.6117 of 2015 (O&M)
Date of decision: 14.12.2015**

Jarnail Singh and others

... Appellants

Vs.

Tarlok Singh and others

... Respondents

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. R.S.Athwal, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.15306-C-2015

Application is allowed, subject to all just exceptions. Legal representatives of Gurdev Kaur widow of Mahanta Singh, as mentioned in the application, are ordered to be brought on record, for the purpose of prosecuting the present appeal.

RSA No.6117 of 2015 (O&M)

The appellant-defendants are in Regular Second Appeal against the concurrent findings of facts and law, whereby, the suit for specific performance of the agreement to sell dated 12.07.2004, has been decreed and the appellant-defendants have been called upon

to execute and register the sale deed within specified period on receipt of balance sale consideration.

Mr. R.S.Athwal, learned counsel appearing on behalf of the appellant-defendants submits that one of the marginal witnesses, namely, Surat Singh deposed in favour of the appellant-defendants, who unequivocally stated that thumb impressions of the appellants were obtained on the blank stamp papers. There is no scribe, much less, no stamp vendor has been examined, thus, agreement to sell has not been proved. Even payment of earnest money was allegedly paid in cash, thus, both the Courts below have erroneously and perversely non-suited the appellants by not taking into consideration the direct evidence that the appellants had been selling the crop to the respondent-plaintiffs, who are none else but commission agents and in this regard, FIR was also lodged. Thus, there is illegality and perversity in the impugned judgments and decrees of the Courts below, much less, substantial question of law arises for adjudication of the present appeal.

I have heard learned counsel for the appellant-defendants and appraised the impugned judgments and decrees of the Courts below.

Registration of the FIR has resulted into acquittal of the respondent-plaintiffs. The other witness, namely, Gurbachan Singh who is aged 70 years deposed that agreement to sell was entered into in his presence. Even money was also exchanged. On the target

date, the respondent-plaintiffs had approached the office of Sub Registrar for execution and Registration of the sale deed. I have also seen agreement to sell during the course of arguments which does not show any adjustment of the space to use thumb impressions on the blank stamp papers. Even signatures of the witnesses are also at relevant place where the same are normally required. The readiness and willingness on the part of the respondent-plaintiffs had been proved, inasmuch as from the expiry of the stipulated date, whereas, the suit was filed on 03.10.2005.

Keeping in view the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 14, 2015
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