

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

**RSA No.737 of 2015 (O&M)**  
**Date of Decision: 04.05.2015**

Om Parkash

..... Appellant

Versus

Smt. Savitri Devi

..... Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. N.S. Shekhawat, Advocate,  
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.(Oral)**

**CM No.2165-C of 2015**

For the reasons mentioned in the application, the same is allowed and the delay of 442 days in refiling the appeal is condoned.

**RSA No.737 of 2015 (O&M)**

This is defendant vendor's second appeal. The suit for specific performance of contract for sale of suit land has been decreed.

Having regard to the findings of fact recorded concurrently by the courts below that the agreement to sell was found to be a valid and genuine document duly executed between the parties as there was sufficient evidence and proof on record. The second issue is with respect to the plaintiff vendee's readiness and willingness to perform her part of the contract which has also gone in her favour and against the defendant

inasmuch as the presence of the vendee was recorded in the office of the Sub Registrar on the due date fixed in the agreement of sale for execution of sale deed i.e. August 03, 2000 which according to the learned Lower Appellate Court was sufficient indicator of the purchaser's willingness and readiness to perform her part of the contract with the balance sale consideration. The suit was filed promptly on August 17, 2000. When the ingredients for decree for specific relief are met on record, there would be no occasion for interference in jurisdiction on the second appeal side of this Court.

Mr. Shekhawat tried valiantly to come out of the findings of the Courts but remained unsuccessful with nothing more to canvass for his client.

Resultantly, no question of law arises for decision much less a substantial one for which reason the appeal fails and is dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**04.05.2015**

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