

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 885 of 2015
Date of decision : August 14, 2015

Ajaib Singh

..... Appellant

Versus

Surinder Singh

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Saravpreet Gurna, Advocate
for the appellant.

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

Amit Rawal, J (oral).

The challenge in the present appeal is to the judgment and decree dated 24.7.2013 and 10.12.2014 whereby suit for specific performance of agreement to sell filed by the respondent-plaintiff in respect of agreement to sell dated 8.12.2005 has been decreed.

Learned counsel for the appellant-defendant submits that the agreement to sell dated 8.12.2005 was set up by the respondent-plaintiff which was actually an agreement of loan transaction as appellant-defendant wanted to purchase a tractor.

Both the Courts below have failed to notice this fact and therefore committed illegality and perversity, thus a substantial question of law arise for determination by this Court.

I have heard learned counsel for the appellant and appraised the paper book.

Assuming for an argument sake that it was a loan transaction, the appellant-defendant himself went to the office of Registrar on the target date i.e. 26.12.2006 which was fixed for execution and registration of the sale deed.

Had it been a loan transaction, there was no occasion for the appellant-defendant to appear before the office of Registrar. The sole act of the appellant-defendant is belied viz-a-viz loan transaction.

Both the Courts below have rendered a finding of fact and law after appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 14 , 2015
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