

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

DATE OF DECISION: SEPTEMBER 15, 2015

Ram Chand

.....Appellant

VERSUS

Surinder Kumar Vohra

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

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

Present: Mr. Kulbhushan Soi, Advocate,
for the appellant.

AUGUSTINE GEORGE MASI, J. (ORAL)

C.M. No.8937 C of 2014

Prayer in this application is for condonation of delay of 90 days
in refiling the appeal.

The ground for the delay in refiling the appeal is that after the
filing of the appeal, certain objections were raised by the Registry and after
collecting the appeal, the same was misplaced in the decided cases in the
office. With great difficulty, the same was traced and the appeal refiled after
removing the objections, which resulted in delay of 90 days in refiling the
appeal. The said application is duly supported by an affidavit of the Clerk of
the counsel.

For the reasons mentioned in the application, the same is
allowed. Delay of 90 days in refiling the appeal stands condoned.

R.S.A. No.3852 of 2014 (O&M)

Challenge in this appeal is to the judgment and decree dated 06.09.2012 passed by the Additional Civil Judge (Senior Division), Ferozepur, decreeing the suit for specific performance of the agreement of sale dated 23.05.2003 by granting alternative relief of recovery of ₹1,40,000/-, which was the earnest money alongwith interest @ 9% per annum from the date of execution of the agreement to sell till the date of filing of the suit with a further interest @ 6% per annum from the date of filing of the suit till realization of the entire decretal amount, against which the appeal preferred by the respondent-plaintiff as also the cross objections preferred by the appellant-defendant stand dismissed and the judgment and decree passed by the trial Court has been upheld by the District Judge, Ferozepur, on 06.11.2013.

It is the contention of counsel for the appellant that the Courts below have not appreciated the evidence in a proper perspective, especially when it was a case of the appellant-defendant that his thumb impressions were taken on blank papers and it was not for any consideration and no money was advanced to him. The agreement to sell was also denied. He, therefore, contends that the judgments and decree passed by the Courts below deserve to be set-aside.

This contention of learned counsel for the appellant cannot be accepted in the light of the findings recorded by the Courts wherein the execution of the agreement to sell has been duly proved. The appellant-defendant has himself admitted the thumb impressions on the agreement to sell as also on the entry in the register of the deed writer at Sr.No.126. The findings recorded by the Courts below are, thus, based upon the correct and

proper appreciation of evidence led by the parties.

Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

**September 15, 2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**