

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

**C.M.No.13498-C of 2015 in/and
RSA No.392 of 2014 (O&M)
Date of decision:03.11.2015**

Chandan Singh (deceased) through LRs ... Appellants

Vs.

Mahender Singh ... Respondent

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. K.C.Rajput, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.13498-C of 2015

For the reasons stated in the application, which is duly supported by an affidavit, hearing of the appeal is pre-poned from 15.02.2016 to today.

RSA No.392 of 2014 (O&M)

Appellant-defendants are in Regular Second Appeal against the concurrent findings of facts and law, whereby, suit for specific performance of the agreement to sell dated 19.09.2002 in respect of land measuring 10 kanals 19 marlas, has been decreed.

Mr. K.C.Rajput, learned counsel appearing on behalf of the appellant-defendants submits that initially target date for execution and registration of the sale deed was fixed as 19.12.2002 and against total sale consideration of ₹4,25,000/-, a sum of ₹ 3,80,000/- as earnest money was received. Admittedly, the stipulated date was extended till 19.02.2003. The dispute had arisen only with regard to interpolation on the next target date whether it was 29.04.2003 or 05.05.2003 as it was not countersigned, thus, both the Courts below have committed illegality and perversity in not noticing the aforementioned facts. He further submits that even no legal notice was sent, thus, readiness and willingness on the part of the respondent-plaintiffs was conspicuously absent, therefore, prays that substantial question of law arises to be adjudicated by this Court.

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

On perusal of the endorsement on the back of the agreement to sell, target date was extended from 19.02.2003 to 05.05.2003. Even affidavit produced by the respondents also bears the date as 05.05.2003. The aforementioned extension, i.e., 05.05.2003 was proved by two attesting witnesses. Had there been any interpolation, nothing prevented the appellant-defendants to lodge the complaint to the police. Neither any handwriting expert has been examined to ascertain truth.

I do not intend to differ with the findings rendered by both the Courts below, which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises to be adjudicated by this Court.

Accordingly, the appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

November 03, 2015
savita