

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

RSA No.4682 of 2014 (O&M)

Date of Decision: October 13, 2015

Sarabjit Singh

.... Appellant

vs.

Satnam Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Dhirinder Chopra, Advocate for the appellant.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 21.04.2014 passed by learned Addl. District Judge, Moga, affirming the judgment and decree dated 01.03.2013 passed by learned Addl. Civil Judge (Sr. Divn.), Moga, vide which the suit of the plaintiff for specific performance of the agreement to sell dated 03.11.2005, was decreed.

Briefly stated, Faqir Chand, predecessor-in-interest of defendants executed an agreement to sell of two shops on 03.11.2005 in favour of the plaintiff for ₹70,000/-. ₹55,700/- received as earnest money. The sale deed was to be executed on or before 03.11.2006. On 03.11.2006, the plaintiff along with the requisite sale

consideration and other expenses visited the office of Joint Sub Registrar, Dharamkot for the execution of the registered sale deed but that day was not a day of registering the documents. Therefore, the plaintiff again visited the office of Sub Joint Registrar, Dharamkot on 06.11.2006 to get the sale deed executed but the defendant did not turn up. Faqir Chand died and he has been succeeded by his widow and sons against whom the present suit was filed.

The stand of the defendants is that Faqir Chand was not the owner of the said property rather defendant No.2 Sarabjit Singh (appellant herein) was the owner of the said property. The execution of the said agreement was denied. It was stated that Faqir Chand died on 28.04.2006. He was in a sound dispossessing mind and was bed ridden. Therefore, the question of execution of the agreement does not arise.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

The plea of defendant No.2-appellant is that he was owner of the property was discarded by both the courts below. The disputed property is situated within Lal Lakir of village Dhole Wala and defendant No.2 claims that the disputed property was previously owned by his grandfather. He also admitted that he had not purchased the plot in dispute from his grandparents nor they had executed any Will in his favour. He failed to explain how and in which capacity he came into the possession and became the owner of the

land in dispute while his father was alive. The agreement was duly proved. The findings of the facts have been recorded. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

October 13, 2015
sarita

(KULDIP SINGH)
JUDGE