

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

1. RSA No.2821 of 2011 (O&M)
Date of decision : 15.02.2016

Sunita

...Appellant

Versus

Sohan Lal and ors.

...Respondents

2. RSA No.2822 of 2011 (O&M)
Date of decision : 15.02.2016

Sunita

...Appellant

Versus

Satish Kumar and ors.

...Respondents

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. Chetan Mittal, Sr. Advocate with
Mr. Manjeet Singh, Advocate and
Mr. Mayank Aggarwal, Advocate for the appellant.

Mr. Mani Ram Verma, Advocate
for the respondent Nos.2 and 3.
(In RSA No.2821 of 2011) &
for respondent Nos.1 and 2
(In RSA No.2822 of 2011)

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of two Regular Second Appeals bearing RSA No.2821 of 2011 titled as Sunita Vs. Sohan Lal and ors., and RSA No.2822 of 2011 titled as Sunita Vs. Satish Kumar and ors.. Both the parties are vendees claiming the rights in pursuance to the agreement to sell dated 13.06.2003 by Sohan Lal and 28.07.2003 by Sunita.

The trial Court granted the specific performance of the agreement to sell in favour of Sunita-plaintiff. However, vis-a-vis the suit of the Satish held him entitled to refund of the earnest money along with interest. Lower Appellate Court decreed the suit of the Satish for specific performance and in other ordered for refund of the earnest money. On going through the judgment and decree of the lower Appellate Court, I am of the view that certain exhibits i.e. Ex.P5 to Ex.P7 which are the registers of the Deed Writer, which have been proved on record and relied upon by the trial Court but have not been referred to notice and other evidence which has seriously prejudiced the claims and rights of Sunita.

I am of the view that since Lower Appellate Court has omitted to discuss the evidence, aforesaid, therefore impugned judgment and decree of the Lower Appellate Court is not sustainable and is accordingly set aside and matter is remitted back to the Lower Appellate Court to decide the appeal afresh by taking into consideration the respective evidence of both the parties in accordance with law and decide appeal preferably within a period of four months from the date of the receipt of certified copy of this order.

Parties and their counsel are directed to appear before the
Lower Appellate Court on 14.03.2016.

Record of the Courts below be sent to the lower Appellate
Court for ready reference.

Both appeals are disposed of.

15.02.2016

pawan

**(AMIT RAWAL)
JUDGE**