

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 4184 of 2016 (O&M)
Date of Decision : 17.08.2016

Surinder Mohan

....Appellant

Versus

Piara Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Himani Kapila, Advocate
for the appellants.

Surinder Gupta, J.

This is appeal by plaintiff against concurrent judgments of Courts below whereby his suit for possession of suit property by way of specific performance of agreement dated 10.04.2008 executed by defendant-respondent no. 2-Ravinderjit Kaur @ Gogi, was dismissed.

2. Admittedly, respondent no. 2 is not owner of suit property, as such, could not transfer title of the same to plaintiff. There was no agreement to sell or receipt of ₹4 lacs paid as part of sale consideration, executed by respondent no. 2. Plaintiff is tenant in the demised premises and has come up with plea that respondent no. 2 was not issuing receipts of rent and when he demanded the receipts, she offered to sell the house which he agreed to purchase and paid ₹4 lacs to her.

3. This fact is also not disputed that an ejectment petition was filed against the plaintiff-appellant. In these circumstances, plea of plaintiff-appellant that he paid ₹4 lacs to respondent no. 2 without any receipt, writing or agreement, cannot be believed and has been rightly rejected by Courts below. A person, who is demanding receipt of payment of rent, shall not depart with huge sum of ₹4,00,000/- without a writing or

receipt.

4. On perusal of judgments of Courts below, I find no legal or factual infirmity therein calling for any interference. Learned counsel for the appellant has failed to point out that findings of Courts below are based on misreading of evidence or vital piece of evidence has been ignored or wrongly interpreted.

5. No substantial question of law, requiring determination, arises in this appeal, which has no merit.

Dismissed.

August 17, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No