

Regular Second Appeal No.835 of 2016 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.835 of 2016 (O&M)

Date of Decision: July 26, 2016

Nirmla Devi

...Appellant

Versus

Karam Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers 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?

Present: Mr.Tribhawan Singla, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-defendant is aggrieved of the concurrent findings of fact and law, whereby the suit for specific performance of the agreement to sell dated 21.10.2006 in respect of some land, has been decreed.

Mr.Tribhawan Singla, learned counsel for the appellant-defendant submits that the plaintiff sought the aforementioned relief in a suit alleging therein that the total sale consideration was ₹11,40,000/-

and he paid ₹6,40,000/- as earnest money. The target date was 28.7.2008

and the suit had been instituted on 1.8.2008. The appellant-defendant denied the execution of the agreement to sell and stated that signatures on the blank stamp papers were used for agreement to sell. In this regard, Expert had been examined, who also deposed on the same lines, but both the Courts below have granted the discretionary relief. He further submits that ingredients of Order 6 Rule 4 CPC have been proved, but the Courts below have ignored the same and, thus, urges this Court to formulate the questions of law as culled out in the memorandum of appeal.

I have heard the learned counsel for the appellant-defendant, appraised the paper book and of the view that readiness and willingness is consistent/perpetual as the suit had been filed immediately on expiry of the target date. The plaintiff had proved the execution of the agreement to sell through the testimony of the attesting witnesses.

On going through the copy of the agreement to sell, I am of the view that it cannot be believed that blank stamp papers were used. The signatures are at the relevant pages where normally the persons affix their signatures/ thumb impressions. In my view, the appellant-defendant has failed to prove the ingredients of Order 6 Rule 4 CPC, much less belie the statements of the attesting witnesses and rightly so, the Courts below have exercised the discretion as noticed above.

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I do not find any illegality and perversity in the impugned judgments and decrees of both the Courts below. No substantial questions of law arise for determination by this Court. No interference is called for.

Appeal stands dismissed.

July 26, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No