

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

R.S.A. No.639 of 2015 (O&M)

Date of decision: 29.02.2016

Prem Rattan

...Appellant

Versus

Satnam Kaur and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Brijender Kaushik, Advocate
for the appellant.

Jitendra Chauhan, J.

This regular second appeal is directed against the judgment and decree dated 13.10.2014, passed by the learned Additional District Judge, Ambala, (for short, the 'first Appellate Court') whereby, the appeal filed by the appellant, against the judgment and decree dated 11.02.2012, passed by the learned Civil Judge, Jr. Divn., Ambala, (for short, the 'trial Court'), has been dismissed.

The learned counsel contends that in case there is any loan transaction between the appellant and respondent No.1, the respondent No.1, must have replied to the legal notice dated

10.01.2002, which was sent for the execution of the sale deed on 17.01.2002 with regard to agreement to sell dated 31.12.2001. Respondent No.1 has concealed the true and material facts and had taken the contradiction stand only to defeat the right of the appellant. Therefore, the judgments and decrees passed by the learned Courts below are liable to be set aside.

I have heard the learned counsel and perused the entire record on file.

The learned Courts below have passed the judgments and decrees after appraisal and appreciation of the oral as well as documentary evidence. The appellant could not explain as to why the possession had not been taken over by him, when there is entry in the agreement to sell dated 31.12.2001, regarding the deliverance of the possession over the land in question. The appellant admits the possession of respondent No.1. The appellant further could not explain as to why the appellant filed the suit for specific performance after waiting for three years when respondent No.1 has not caused appearance in the office of Sub Registrar on 17.01.2002. Neither, the scribe of the agreement to sell was examined nor it was entered in the register of any Deed Writer. In this considered view, the learned Courts

below have rightly passed the judgments and decrees.

On consideration, this Court finds that the contentions raised by the learned counsel for the appellant have no merit. No evidence has been shown to have been ignored from consideration. These are pure findings of fact. No question of law, much less substantial question of law arises in the present appeal. Hence, no interference is called for.

Dismissed in limine.

29.02.2016

ashok

(JITENDRA CHAUHAN)
JUDGE