

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

RSA No.787 of 2015 (O&M)

Date of Decision.26.07.2016

Gandhi s/o Surja

.....Appellant

Vs.

Sohan Lal

.....Respondent

Present: Mr. M.L. Saini, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The appellant-defendant is aggrieved of the concurrent finding of fact whereby the suit seeking specific performance of the agreement to sell dated 09.03.2007 for total consideration of ₹1,37,500/- against the payment of earnest money of ₹1,25,000/- has been decreed.

Mr. M.L. Saini, learned counsel for the appellant submits that admitted case of the respondent-plaintiff was that in pursuance of the agreement to sell, the possession of the property, agreed to be sold, was handed over and in view of the amendment caused by the Haryana Government in 2001 in the Registration Act, any agreement to sell with possession requires registration. This aspect was not noticed by both the Courts below and therefore, substantial questions of law as drawn in the memorandum of appeal arise for consideration in the second appeal.

I have heard learned counsel for the appellant, appraised the paper book and of the view that as per statutory provisions as well as the

ratio decidendi culled out by the Division Bench of this Court in **Ram Kishan and another Vs. Bijender Mann @ Vijender Mann and others 2013(2) RCR (Civil) 419**, it is settled law that parties seeking specific performance of agreement to sell, even if the possession has been handed over, need not register the same. The submission of the counsel is fallacious, much less, without substance and force. As regards the other aspect, no arguments had been placed.

In view of the aforementioned facts, I do not find any ground for interference with the finding rendered by the Courts below as the same has been founded on appreciation of documentary as well as oral evidence. There is no substantial question of law arises for consideration in the second appeal. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

July 26, 2016
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No