

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

RSA No.2154 of 2013 (O&M)

Date of decision: 24.08.2017

Tarlok Singh

..... Appellant

Versus

Harbans Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Parminder Singh, Advocate
for the appellant.

Mr. C.L. Sharma, Advocate
for respondent No.7.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff filed a suit for specific performance of the agreement to sell. Learned trial Court as well as First Appellate Court has ordered refund of the earnest money on the ground that the alienation of the land in question is not permissible as per Rule 6(8) of Punjab Package Deal Properties (Disposal) Rules, 1976.

Learned counsel for the appellant has argued that the alienation of the property is barred, however, that would not come in the way of the appellant as he is praying for passing of decree for specific performance.

On passing the decree of specific performance, the property is to be sold in favour of the plaintiff. Once the alienation of the property is barred under the Rules governing the property in dispute, I am afraid decree

for specific performance of the agreement to sell cannot be granted to the plaintiff. He has already been granted the relief of the recovery of the amount along with interest.

In view thereof, I do not find any reason to interfere with the concurrent findings of fact arrived at by the Courts below.

Learned counsel for the appellant has submitted that pursuant to the judgment passed by the trial Court in the earlier round, appellant had deposited an amount of ₹ 1,55,300/-. Appellant would be at liberty to withdraw the aforesaid amount from the Court. The Courts below have already passed the decree for refund of the earnest money and other amount along with interest. Therefore, no further orders are required.

Appeal is dismissed.

24.08.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No