

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**RSA No.1594 of 2016
Date of decision:28.2.2017**

Rashid Mohammad

...Appellant

Versus

Inderjit Dixit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Anil Shukla, Advocate for the appellant.

RAMESHWAR SINGH MALIK, J. (Oral)

Unsuccessful plaintiff is in regular second appeal against the concurrent findings of facts recorded by both the learned courts below, dismissing his suit for specific performance of agreement to sell.

Heard learned counsel for the appellant.

Learned counsel for the appellant, at the very outset, fairly states that against the impugned judgments and decrees, two identical regular second appeals were filed by the appellant. He further submits that RSA No.2582 of 2016 (Rashid Mohammad Vs. Nirmal Singh and others) came up for consideration of this Court on 22.9.2016 and the same has been dismissed. He was the counsel in RSA No.2582 of 2016 as well.

Under the above-said peculiar fact situation, obtaining on record of the present case, learned counsel for the appellant very fairly states that let the instant appeal be also disposed of, in terms of the order dated 22.9.2016 passed by this Court in the above-said RSA No.2582 of 2016 and rightly so, it being a matter of record.

In view of the above-said undisputed fact situation, this Court is of the considered view that there is no scope of interference, at the hands of this Court, while exercising its appellate jurisdiction under Section 100 of the Code of Civil Procedure. Learned courts below have recorded

concurrent findings of facts which call for no interference, at the hands of this Court. No question of law much less substantial question of law has been found involved in the present appeal, which is *sine qua non* for entertaining any regular second appeal. In this regard, reliance can be placed on the law laid down by the Hon'ble Supreme Court in ***Naryanan Rajendran Vs. Sarojini Lakshmy, 2009 (2) RCR (Civil) 286.***

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned judgments and decrees have not been found suffering from any patent illegality or perversity, the same deserve to be upheld. The instant regular second appeal is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

In view of the order dated 22.9.2016 passed by this Court in connected RSA No.2582 of 2016 between these very parties, no case for interference has been made out.

Resultantly, with the above-said observations made, the present regular second appeal stands dismissed, however, with no order as to costs.

28.2.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No