

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2745 of 2015 (O&M)

Date of Decision:21.12.2017

Balkar Singh

... Appellant

Versus

Gurnoor Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the appellant

RAJIV NARAIN RAINA, J. (Oral)

1. This appeal has been filed only to be forsaken since the matter was first listed on 4th September, 2015, as no one appeared. The position was no better thereafter. On previous date also, no one appeared on behalf of the appellant. Even today none is present on his behalf. This Court is left with no option, but to decide the matter on merits.

2. This Regular Second Appeal has been preferred by the unsuccessful plaintiff against the judgments and decrees of both the courts below dismissing the suit for possession by way of specific performance of an agreement to sell the suit land mentioned in the plaint and executed by respondent no.1. The main dispute between the parties which has engaged the attention of the Court is regarding the readiness and willingness of each to perform their part of the contract. After appreciating the evidence on record, it has been observed by both the courts below that respondent/defendant no.2- Sukhdeep Singh was present in the office of the Tehsildar on 17th September, 2007 for executing the sale deed in favour of the appellant/plaintiff and defendant no.3. As such the courts below held

ready and willing to perform their part of the contract on the stipulated date.

The courts below held that they are not entitled for the relief of specific performance of the agreement to sell and therefore, the suit of the plaintiff has been dismissed.

3. On the basis of the lack of evidence and materials on record justifying a decree in favour of the plaintiff, it is not possible for this Court to interfere with the findings of fact recorded by the courts below. The judgments and decrees of the courts below do not suffer from any illegality, irregularity or perversity nor the same can be said to be tainted with any blemish so as to require interference by this Court against an appellate decree. No question of law, much less a substantial one, arises for consideration in this appeal.

4. For the foregoing reasons, this appeal is held to be without substance and is dismissed.

21.12.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No