

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

RSA No. 4453 of 2015 (O&M)
Date of decision : August 25, 2017

Shiv Kumar

..... Appellant

v.

Jeet Ram and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vaibhav Parashar, Advocate
for the appellant.

Mr. RS Hooda, Advocate
for respondent No.5.

Ajay Tewari, J (Oral)

As per the office report, all the respondents have been served except LR No.(iii) of respondent No.1 who is stated to have died. Counsel for the appellant states that L.R No.(iii) was the wife of respondent No.1 whose two sons are already on record. In these circumstances, service is complete.

This appeal has been filed against the concurrent dismissal of the suit filed by the appellant for specific performance while granting him the relief of recovery of earnest money. Both the Courts below found that the agreement to sell was duly proved and that the executant to the agreement to sell i.e Ghasita Ram had, after executing the agreement to sell, illegally and fraudulently transferred the property in favour of his family members. Both the Courts also found that on the target date, the appellant

did not appear before the Sub Registrar with the balance consideration and held that in these circumstances he could not prove his readiness and willingness and ordered refund of the earnest money.

Counsel for the appellants has not been able to persuade me that the findings recorded are either based on no evidence or are based on such misreading of evidence so as to render the same so perverse as to be liable for interference under Section 100 of the CPC. Consequently, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 25, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No