

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

RSA No.3311 of 2017
Date of decision : 06.09.2017

Lal Chand and another

...Appellants

Versus

Jayanti Parshad (since deceased) through his legal heirs

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Zorawar Singh Chauhan, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM No.8052-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 1 day in filing the present appeal is condoned.

Application stands allowed.

Main Case

Plaintiffs are in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts.

The plaintiffs had filed a suit for specific performance of the agreement to sell dated 25.09.2003. The defendant(s) had admitted the agreement to sell. However, they had stated that the plaintiffs have altered the date fixed for due performance of the agreement to sell from 25.10.2003 to 25.10.2013.

Both the Courts have concurrently after appreciation of the evidence found that the plaintiffs have interpolated the date from 25.10.2003 to 25.10.2013.

Learned counsel for the plaintiffs has argued that it is the case of the plaintiffs that the date was altered on the request of the defendant(s) and, therefore, the Courts have erred in recording a finding that it is the plaintiffs who have interpolated in the agreement to sell.

I have heard the learned counsel for the appellants.

Plaintiffs have failed to prove that the date for registration of the sale deed was changed on the request of the defendant(s). Still further, the agreement to sell was executed on 25.09.2003. As per the case of the plaintiffs, the sale deed was to be executed on or before 25.10.2013. However, the plaintiffs filed the suit on 18.07.2011.

This clearly shows and proves that the case setup by the plaintiffs was totally false. There is a concurrent findings of fact arrived at by the Courts below which is not found to be erroneous. Hence, there is no ground to interfere with the same.

Regular Second Appeal is dismissed.

06.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No