

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

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RSA No.6088 of 2017 (O & M)
Date of Decision:20.12.2017

Balbir Singh

...Appellant

Versus

Anil Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S. Dhindsa, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Defendant-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below, while decreeing the suit for specific performance of agreement to sell dated 30.11.2005.

Plaintiff had filed a suit for specific performance of the agreement to sell on 04.09.2008 praying for decree in his favour. Defendant, on the other hand, totally denied the agreement. Plaintiff examined Rajesh Bansal (stamp-vendor) as PW-4 and attesting witness Murari Lal as PW-3. Plaintiff himself appeared in the witness-box as PW-1 and also examined Inderjeet Singh, a hand-writing and finger print expert as PW-2 .

Learned trial Court recorded a finding that the defendant has admitted his thumb impressions upon alleged agreements to sell Ex.P-2 and Ex.P-3. The Court further found that the defendant had taken a plea of fraud that his thumb impressions were taken on a blank paper, however, the defendant failed to prove this fact.

Both the Courts have concurrently appreciated the evidence and

recorded a finding of fact.

Learned counsel for the appellant has passed on a copy of the agreement to sell Ex.P-2, which has been executed on a non-judicial stamp paper worth Rs.300/- . Agreement to sell runs into two pages. Both the pages have been thumb marked by the defendant-appellant. On the last page, the defendant-appellant has put two thumb impressions. Defendant-appellant had further endorsed the extension of the date for registration of the sale deed from 30.05.2006 to 12.06.2006.

Plaintiff has asserted that he was ready and willing to perform his part of the contract and had also got prepared a demand draft in favour of the defendant-appellant for a sum of Rs.2,00,000/-.

Taking into consideration these facts, in the considered opinion of this Court, there is no scope for interference in the concurrent finding of fact arrived at by the Courts.

Hence, this regular second appeal is dismissed.

20.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No