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

**RSA-1455-1991 (O&M)
Date of decision : 12.02.2018**

Ram Sarup

... Appellant

Versus

Daya Nand and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: None for the appellant(s).

Mr. Ajay Jain, Advocate
for the respondent(s).

AMIT RAWAL, J. (ORAL)

This is an appeal preferred by appellant/defendant No.11-Ram Saroop son of Laxman against the concurrent findings of fact rendered by the Courts below. The respondents-plaintiffs instituted the suit seeking specific performance of agreement to sell dated 12.12.1979 for a sale consideration of ₹4,500/- against the payment of ₹4,000/- as earnest money. The stipulated date for execution and registration of the sale deed was 31.01.1980. The remaining payment of ₹5,00/- was made on 28.03.1980. However, Kishan Lal-vendor had died, whereas defendant No.2 Mila Ram, as per the averments made in the plaint, sold the entire share to defendant No.11, vide sale deed dated 15.10.1982. The suit was instituted in the year 1982 and was contested by defendant Nos.2, 4 to 6 and 11 by filing three separate written statements. The trial Court on the basis of the oral and

documentary evidence decreed the suit by setting aside the sale deed dated 15.10.1982. The appeal was preferred by Richhpal/defendant No.1 and Hawa Singh, Vijay, Laxman and Nathi Devi, being sons and widow of Mila Ram and the appellant-Ram Sarup son of Laxman was arrayed as proforma respondent. The appeal was also dismissed. This Court on 09.09.1991 had granted the status quo order.

Notice to the appellant was ordered to be served through the office of the Civil Judge (Senior Division), Mohindergarh through District Judge and as per office report, service could not be effected.

There is no representation on behalf of the appellant.

It appears that the appellant is not interested in the pursuing the matter, even otherwise, the appeal *prima facie* was not maintainable in the absence of any challenge to the findings of the trial Court before the first Appellate Court.

Dismissed for non-prosecution.

12.02.2018

Yogesh Sharma

(AMIT RAWAL)

JUDGE

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Whether speaking/reasoned

Yes/ No

✓

Whether Reportable

Yes/ No