

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

102+301

Date of decision: 16.01.2018

1. RSA No.1730 of 1995

Amarjit Singh

..... Appellant

Versus

Lachhmi Parkash (deceased) through LRs and others

..... Respondents

2. RSA No.1731 of 1995

Amarjit Singh

..... Appellant

Versus

Lachhmi Parkash (deceased) through LRs and others

..... Respondents

3. RSA No.1732 of 1995

Ajit Kaur

..... Appellant

Versus

Lachhmi Parkash (deceased) through LRs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. M.L. Saggar, Sr. Advocate with
Ms. Armaan Saggar, Advocate and
Mr. Jatinder Nagpal, Advocate for the appellant.

Mr. Arun Jain, Sr. Advocate with
Mr. Manvir Singh Rana, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Vide this judgment, I shall be disposing of three regular second appeals bearing RSA No.1730 of 1995 titled 'Amarjit Singh Vs. Lachhmi Parkash (deceased) and others', RSA No.1731 of 1995 titled 'Amarjit Singh Vs. Lachhmi Parkash (deceased) and others' and RSA No.1732 of 1995

titled 'Ajit Kaur Vs. Lachhmi Parkash (deceased) and others' as the common issue involved.

The plaintiff-appellant is in the regular second appeal against the concurrent finding of fact dismissing the suit for specific performance of the agreement to sell.

While issuing notice, this Court on 20.12.1995 had passed the following order:-

“Notice of motion for 16.2.1996 limited only to the extent that a decree at least for the return of earnest money ought to have been passed in favour of the appellant.”

In view of the aforesaid order, the limited issue which needs consideration is entitlement of the appellant to receive refund of the earnest money.

Learned counsel for the respondent on instructions from LRs of respondent No.1 has submitted that his clients has no objection if the earnest money is directed to be refunded along with interest @ 12% per annum.

Taking into consideration the aforesaid facts, the judgment and decree passed by the Courts below are partially set aside and the suit filed by the plaintiff is decreed ordering refund of the earnest money along with interest @ 12% per annum from the institution of the suit.

All the appeals are disposed of.

16.01.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No