

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

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**RSA-2537-2009 (O&M)
Date of Decision : 26.10.2018**

Harjinder Singh Appellant

Versus

Smt. Kartar Kaur and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. M.S. Bedi, Sr. Advocate
with Ms. Manpreet Kaur, Advocate
for the appellant.

Mr. R.P. Dhir, Advocate
for respondents No.1, 2 and 4.

Service upon respondents No.3 and 5 dispensed with.

Mr. K.S. Dadwal, Advocate
for respondent No.6.

None for respondent No.7.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant for specific performance of land measuring 13 kanals 06 marlas for which he alleged that an agreement for sale dated 20.05.1993 had been executed.

Both the courts below dismissed the suit on the ground that the proposed vendee was the son of the power of attorney; that against the total sale consideration of Rs.1,15,000/- a sum of Rs.1,00,000/- was shown to have paid yet the target date was fixed for more than 4 years; the courts further found that the explanation for this delay viz., that the

appellant did not have the money would be most non-convincing in view of the fact that he had paid a sum of Rs.1 lakh and only Rs.15,000/- was allegedly remain to be paid; the courts also noticed that the agreement was typed on a plain paper and the courts further held the respondent No.6 to be a bonafide purchaser.

Learned senior counsel has not been able to dispel these suspicious circumstances.

I am not convinced that the judgments of the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

October 26, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No