

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2117-2010 (O & M)

Date of decision: 14.09.2018

Rurmāl

.... Appellant

V/s

Bhuru Ram

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rao D.S. Nirban, Advocate, for the appellant.

Mr. J.P. Sharma, Advocate, for the respondent.

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the judgment and decree of trial court and lower appellate court whereby suit of plaintiff-respondent for specific performance was decreed. The court found that an agreement dated 26.02.1999 had been validly executed. It, thus, passed a decree that on payment of balance consideration, the appellant would execute the sale deed.

Admittedly, by now decree has been executed and mutation has also been sanctioned. Even otherwise, on perusal of judgment passed by lower appellate court, this court finds no infirmity in the appreciation of evidence. Once the court came to the conclusion that agreement dated 26.02.1999, Ex.P-1, had been validly executed, there were no reason to deny the relief of specific performance to the plaintiff. The appeal is, thus, hereby dismissed.

During the course of proceedings, a co-ordinate Bench of this court, directed the appellant to deposit an amount of Rs.1 lac with the registry of this court in view of provisions of Order 41 Rule 10 CPC. It has been informed that same is lying deposited with the registry. It is directed

that the said amount be refunded to the appellant within two weeks from today by way of a demand draft.

At this stage, learned counsel for the appellant submits that a reasonable interest may be granted to the appellant on the amount deposited by the appellant. Learned counsel for the respondent has very fairly submitted that he shall pay an amount of Rs.15,000/- in lump sum to the appellant which may be defrayed towards interest. Same may be remitted directly to the appellant by way of a demand draft.

(RAJAN GUPTA)
JUDGE

September 14, 2018
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No