

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

**RSA No.362 of 2011 (O&M)
Date of Decision : 25.10.2018**

Ramesh Chand

..... Appellant

versus

Sohan Pal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ashish Gupta, Advocate
for the appellants.

Mr. Brijender Kaushik, Advocate
for respondents No.3 to 8.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for specific performance filed by the appellant.

As per appellant respondents No.1 and 2 had executed an agreement to sell dated 31.07.2002 and he sought specific performance of the same. As per respondents No.1 and 2 they had never entered into any agreement to sell in favour of the appellant but had entered into an agreement to sell in favour of the predecessor-in-interest of respondents No.3 to 8 on 28.10.2002. They further mentioned that the appellant had enticed them by saying that he would be able to arrange a government loan for them and for that purpose they had visited the Tehsil where the appellant got signed some documents from them. Later on he informed them that the

loan could not be granted but subsequently converted the papers which he had got signed from them into an agreement to sell. Interestingly one attesting witness (PW-6) of the agreement to sell appeared as plaintiff's witness but deposed that respondents No.1 & 2 had come to the Tehsil to get a loan.

Based on this testimony that the Courts below come to the conclusion that the appellant has not been able to prove the execution of the agreement to sell and consequently dismissed the suit.

Counsel has not been able to show me how this finding can be said to be so perverse or based on no evidence as to render them liable for interference in second appeal.

Appeal stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

25.10.2018
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No