

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

RSA No.2493 of 2012 (O&M)

Date of decision : 29.10.2018

Malook Singh and another

...Appellants

Versus

Faryad Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Brar, Advocate for the appellants.

Mr. R.P.S. Boparai, Advocate for
Mr. J.S. Gill, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing their suit for specific performance of the agreement to sell with consequential relief of permanent injunction.

Both the Courts have noticed that the plaintiff and the witnesses produced have given three different versions as to how they reached in the Office of the Document Writer. Still further, the Courts have noticed that there is no reason forthcoming that why the defendants who purchased the property only 15 days back would agree to sell the property at a lesser sale consideration than the consideration, he paid. The Courts have further noticed that although in the agreement to sell, it has been written that the

possession has been delivered but it is proved on file that the possession continues with the defendants. Still further, the First Appellate Court has noticed that the plaintiffs tried to show that the attesting witnesses of the alleged agreement to sell were called by the defendant but when cross-examined, both these attesting witnesses have admitted that they were brought in by the plaintiffs. Learned Courts have given various other cogent reasons to dismiss the appeal filed.

Although, learned counsel for the appellants made sincere attempt, however, could not bring to the notice of this Court any perversity or substantive error in the judgments passed by both the Courts below. Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

29.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No