

RSA-1422-2016 (O&M)

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

RSA-1422-2016 (O&M)
Date of decision : 11.12.2018

Parveen Kumar

... Appellant

Versus

Satish Kumar Arya and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mehendra Singh Tewatia, Advocate
for the appellant.

AMIT RAWAL, J.

CM-18203-C-2018

For the reasons stated in the application, the application is allowed and the appeal is ordered to be restored to its original number i.e. RSA-1422-2016.

CM-3936-C-2016

For the reasons stated in the application, the delay of 41 days in refiling the appeal is condoned.

CM stands disposed of.

CM-3937-C-2016

For the reasons stated in the application, the delay of 19 days in filing the appeal is condoned.

CM stands disposed of.

RSA-1422-2016 (O&M)

RSA-1422-2016

The appellant-defendant has not been successful in defending the suit for specific performance of agreement, which was decreed on the statement of DW2, Kamlesh, his mother stating that Bhagat Singh, father of defendant, had taken the earnest money by admitting the agreement to sell.

Learned counsel for the appellant submitted that the appellant was minor at the time of execution of the agreement to sell.

When confronted as to what piece of evidence has been brought on record to establish that the appellant-defendant was minor at the time of execution of agreement to sell and the answer was "None". Neither the judgments and decrees of the Courts below deal with this situation. In such circumstances, the Courts below had no occasion, but to dismiss the suit.

In this view of the matter, there cannot be any illegality or perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination.

Resultantly, the regular second appeal is dismissed.

11.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**