

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

RSA No.1489 of 2016 (O&M)

Date of decision : 10.07.2018

Amarjit Singh

...Appellant

Versus

Tarsem Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajeev Sharma, Advocate for
Mr. Kamaldeep Singh Sodhi, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.4124-C of 2016

Application is allowed. Deficiency in the Courts fees has been made good subject to all just exceptions.

CM No.4125-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 17 days in filing the appeal is condoned.

Application is allowed.

Main case

The defendant-appellant is in the Regular Second Appeal against the findings of the learned First Appellate Court while decreeing the suit for recovery of ₹1,85,000/-.

The suit filed by the plaintiff is with the assertion that Harblas

and his sister Jit Kaur were owners of the land in dispute and the plaintiff and defendant jointly entered into an agreement to sell with the owners on 04.11.2008. The entire sale consideration was paid in the agreement to sell and a General Power of Attorney was executed. Thereafter, the aforesaid property was sold to Balbir Kaur, wife of Harblas but the sale deed was executed in favour of Manjit Kaur for a sum of ₹4,90,000/-. It is the case of the plaintiff that the defendant out of the sale consideration received, deposited ₹4,60,000/- in his bank account. On settlement of the accounts, as depicted in the plaint, the plaintiff claims that an extra amount of ₹1,85,000/- is payable to him.

Learned First Appellate Court on analysis of the evidence has found that the plaintiff has proved its case and the story of the defendant that the entire amount has been paid, is not proved on the file. Thus, the First Appellate Court has decreed his suit for recovery of ₹1,65,000/-. Learned counsel for the appellant could not point out any substantive misreading or non-reading of the evidence by the First Appellate Court.

Hence, there is no ground to interfere.

Regular Second Appeal is dismissed.

10.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No