

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

RSA No.1806 of 2016 (O&M)

Date of decision: 09.07.2018

Rajbir

..... Appellant

Versus

Rajenderi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Keshav Pratap Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of facts arrived at by the Courts below dismissing the suit for possession by way of specific performance of the agreement to sell.

Both the Courts have noticed that after the death of Rambir, the property was inherited by widow and two minor children. The agreement to sell is alleged to have been executed by Rajenderi, widow of Rambir on behalf of two minors also. It is admitted position on the record that the permission of the Court for sale of the property on behalf of the minors has not been obtained. Still further, both the Courts have noticed that the parties are closely related and the agreement to sell propounded by the plaintiff is suspicious. The total payment of Rs.20,000/- is alleged to have been made at the time of signing of the agreement to sell i.e. on 07.07.2004. The receipt is attested by two marginal witnesses. None of them has been examined in the evidence. Both the Courts have appreciated the

evidence available on the file and returned a finding of fact which is neither shown to be perverse nor suffering from any misreading or non-reading of evidence.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

09.07.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No