

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

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**RSA No.2144 of 2016 (O&M)
Date of Decision : 27.09.2018**

Tejinder Singh

..... Appellant

Versus

Tarsem Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Sandeep Goyal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

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

The appellant had filed a suit for declaration stating that he was entitled to purchase the property and for challenging the sale deed and for a direction directing respondent No.1 to execute a sale deed in favour of in favour of respondents No.2 to 5.

It was his case that in the year 1998 respondent No.1 had executed a general power of attorney in his favour after receiving the entire consideration money but thereafter in the year 1999 he sold the land to respondents No.2 to 5.

Both the Courts below held that the suit for direction to respondent No.1 to execute the sale deed was not maintainable and only the

suit for specific performance would lie. It was further held that the appellant had not been able to prove that he had paid any money to respondent No.1 and consequently dismissed the suit.

Counsel has not been able to show me how these findings are incorrect.

Counsel has accepted that there is no evidence on the record that the appellant had paid the money to respondent No.1.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

27.09.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No