

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

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**RSA-3368-2016 (O&M)
Date of Decision : 20.08.2018**

Ram Lal (deceased) through LRs.

..... Appellants

Versus

Satish Kumar

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Vishal Aggarwal, Advocate
for the appellants.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit for specific performance filed by the respondent.

The respondent had based his case on the basis of agreement to sell dated 16.05.1997 as per which the predecessor of the appellants had agreed to sell 10 marlas of land (on which there were four incomplete shops) for a total consideration of Rs.1,50,000/- and had received a sum of Rs.1,10,000/- by way of earnest money. The courts below having decreed the suit the present appeal has been filed.

Counsel for the appellants has argued that it is very strange that the respondent had made the payment of Rs.1,10,000/- out of the total sale consideration of Rs.1,50,000/- but the target date was fixed after 2 years and the suit was filed almost at the end of the limitation period.

No doubt this fact is there but on the other hand it cannot be lost sight of that the respondent had examined the scribe and the attesting

witness and the appellants had not been able to elicit anything in their favour from their cross-examination. Moreover, the case set up by the appellants was also very interesting. It was his case that the respondent was his relative and in the year 1997 he had taken a loan of Rs.1,10,000/- from the respondent. At that time the respondent had got his signatures on blank papers and had subsequently prepared this agreement to sell. In my opinion, it is against this stand that the stand of the respondent has to be weighed.

In the totality of circumstances, I am not persuaded persuaded that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

August 20, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No