

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

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**RSA-3498-2016 (O&M)
Date of Decision : 13.09.2018**

Harjit Singh

..... Appellant

Versus

Pipal Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Karan Bhardwaj, Advocate
for the appellant.

Mr. Jag Nahar Singh, Advocate
for the caveators-respondents.

AJAY TEWARI, J. (ORAL)

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

Both the courts below found that the respondents used to take money as loan from the appellant on different occasions and when they took money from the appellant he had got their signatures on number of documents and had later misused them to create the agreement to sell. One of the reasons which weighed with the courts below to come to this conclusion was that despite having paid substantial amount the appellant was not proved to be in possession. Further the case of the appellant that the respondents had taken money and had agreed to clear the bank loan was also not credible because there was no bar for the appellant to have ensured that the money went to the bank rather than to hand over it to the respondents.

Counsel for the appellant has not been able to persuade me that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify 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.

September 13, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No