

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

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**CM-9775-76-2016 in/and
RSA-3738-2016 (O&M)
Date of Decision : 01.10.2018**

Devinder Singh and others

..... Appellants

Versus

M/s Ganga Sagar Promoters Pvt. Ltd.

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Anurag Chopra, Advocate
for the applicants-appellants.

AJAY TEWARI, J. (ORAL)

CM-9775-76-C-2016

These applications have been filed for condonation of delay of 31 days in refiling and 28 days in filing the appeal.

For the reasons recorded, the applications are allowed. Delay condoned.

RSA-3738-2016 (O&M)

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 agreed to purchase about 23 acres of land from the appellants and their shareholders and co-sharers. Majority of the sale deeds were executed but sale deed of land measuring 6 kanals

6 marlas was not executed which led them to file the suit. It may be mentioned that the value of the total transaction was about Rs.3,18,00,000/- (Rupees Three Crores and Eighteen Lakhs Only).

In the written statement, everything else was admitted but the appellants claimed that a sum of Rs.16,87,462/- (Rupees Sixteen Lakhs Eighty Seven Thousand Four Hundred & Sixty Two Only) was actually never paid to them.

Both the courts below disbelieved this version in view of the signatures of the appellants on the receipt and decreed the suit.

Counsel for the appellants has vehemently argued that once the appellants had accepted everything else there was no reason for him to deny the receipt of Rs.16,87,000/- odd and actually the fact of the matter is that the money was never paid. In this connection, he has referred to what according to him are material discrepancies in the testimony of the respondent's witnesses.

Both the courts below had considered all these arguments but in view of the admitted signatures of the appellants and the contradictions in his own testimony, they had held that the respondent was able to prove its case on the basis of preponderance of probability.

Having heard the counsel at fair length, I am not persuaded 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.

October 01, 2018
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(AJAY TEWARI)
JUDGE

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