

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

112

RSA No.3765 of 2016 (O & M)
Date of Decision:16.05.2018

Harnek Singh

...Appellant

Versus

Gurmeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Bhagwan, Advocate
for the appellant.

Mr. Arun Jindal, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

In this case, decree for possession by way of specific performance of the agreement to sell was passed by the Courts below on 19.10.2016. Notice was issued subject to deposit of the amount of earnest money along with interest @ 12% per annum. Today, learned counsel for the respondent has made a statement that he does not have any objection if the decree passed by the learned trial Court is modified and the plaintiff-respondent is held entitled to receive the amount of earnest money along with 12% interest from the date of payment till date of recovery.

At this stage, learned counsel for the appellant submits that the amount of Rs.3,44,500/- has already been deposited before the learned trial Court, however, he prays that six months time be granted for making the remaining payment as the appellant is very poor. Although, learned counsel for the respondent has prayed that the time for payment of the interest be

reduced, however, taking into consideration the fact that the plaintiff-respondent has agreed to receive the amount, therefore, the defendant-appellant is directed to pay the interest @ 12% on the amount of earnest money from the date of receipt of payment i.e. 16.05.2006 till the amount was deposited in the Court. However, for subsequent period, the appellant is directed to pay Rs.30,000/-. If the amount as directed is not paid by the appellant, the defendant-respondent shall be at liberty to move an application for revival.

Regular second appeal is disposed of.

Needless to say, the plaintiff would be entitled to withdraw the amount deposited before the learned trial Court.

16.05.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No