

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

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**RSA No.4032 of 2016
Date of decision: 10.08.2018**

Satish Kumar

..... Appellant

Versus

Gurdev Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Parvez Chugh, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned First Appellate Court awarding alternative relief of recovery of amount along with interest rather than granting a decree for possession by way of specific performance of the agreement to sell.

Learned First Appellate Court while granting alternative relief and reversing the discretion exercised by the learned trial Court has noticed that the suit was filed after a period of 35 months, the target date fixed for execution and registration of the sale deed as agreed upon by the parties. It has further been noticed that although, as per agreement to sell, the target date for execution and registration of the sale deed was 20.11.2008, however, the plaintiff has failed to satisfy the conscious of the Court about the steps he took after the defendant did not come forward to execute the sale deed. The discretion exercised by the learned First Appellate Court is in accordance with law and need no interference.

Hence, the appeal is dismissed.

**(ANIL KSHETARPAL)
JUDGE**

10.08.2018

Dinesh Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No