IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.411 of 2016 (O&M)
Date of decision : 10.10.2018

Manjit Kaur ...Appellant

Versus

Gurpartap Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Bansal, Advocate for the appellant.

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ANIL KSHETARPAL, J. (ORAL)

Defendant No.2-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while only granting the alternative relief to the plaintiff for refund of the earnest money.

Both the Courts have found that the plaintiff-respondent is not entitled to specific performance of the agreement to sell.

Learned counsel for the appellant submitted that the plaintiff has failed to prove his source of the amount of earnest money i.e. ₹5,75,000/-. Learned counsel has read-over the statement of the plaintiff who has specifically stated in the cross-examination that the aforesaid amount was sale proceed of the paddy crop which had been sold through a particular Commission Agent. The defendants have led no evidence to prove that the plaintiff is deposing falsely.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below

Regular Second Appeal is dismissed.

10.10.2018 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

PAWAN KUMAR
2018.10.12 09:47
I attest to the accuracy and
authenticity of this document
Chandigarh