

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

**104**

**RSA-3460-2015 (O&M)  
Date of Decision : 25.07.2018**

Gobind Singh

..... Appellant

Versus

Harbhajan Singh and another

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present :- Mr. Apoorv Sanswan, Advocate  
for Mr. S.S. Dinarpur, Advocate  
for the appellant.

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**AJAY TEWARI, J. (Oral)**

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

The admitted facts are that the appellant had agreed to purchase 5 kanal 4 marla of land from the respondent at the rate of Rs.26 lakhs per acre as per the agreement to sell dated 01.08.2006 and had paid an amount of Rs.2 lakhs as earnest money. Thereafter the date for execution of the sale deed was ultimately fixed as 15.04.2007. That date being Sunday, both the parties marked their appearance before the Sub-Registrar on 16.04.2007 but the sale deed was not executed. On 19.04.2007 the respondent issued a notice to the appellant alleging that the sale deed was not executed because of the failure of the appellant and cancelling the contract. It is thereafter the appellant filed the instant

suit for specific performance. Importantly, he did not challenge the cancellation of the contract by the respondent. Both the courts below found that the appellant had not proved that he had the required financial resources on 16.04.2007. Both the courts below also held that in view of the fact that the appellant did not challenge the cancellation of contract the suit as laid had to be dismissed. The courts below relied upon the judgment of the Supreme Court in the matter of *I.S. Sikandar vs. K. Subramani and others, 2014 (1) RCR (Civil) 237 SC*.

Counsel for the appellant has not been able to cite any contrary judgment.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

July 25, 2018  
*ashish*

( AJAY TEWARI )  
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No