

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

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**CM-12888-C-2016 in/and
RSA-4954-2016 (O&M)
Date of Decision : 28.08.2018**

Samma Singh Appellant

Versus

Gurmej Singh through LRs. Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. A.S. Jawandha, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (ORAL)

CM-12888-C-2016

For the reasons recorded, the application is allowed. Delay of 1 day in filing the appeal is condoned.

RSA-4954-2016 (O&M)

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

Both the courts below found that the appellant was Commission Agent and the respondent was the farmer who used to sell his crop at the commission agency (these facts were admitted by the appellant). Both the courts below further noticed that the agreement to sell was typed on two pages and there was an unnatural difference in spacing between the lines on both the pages which was indicative of the fact that the document was scribed on a paper which was already signed.

The courts below also relied upon various other circumstances.

Counsel for the appellant has not been able to persuade me that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the 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.

August 28, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No