

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CM-1690-C-2016 in/and
RSA No.618 of 2016 (O&M)
Date of Decision : 17.09.2018

Amarjit Kaur

..... Appellant

Versus

Madan Lal

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.S. Sandhu, Advocate
for Mr. K.S. Dhillon, Advocate
for applicant-appellant.

AJAY TEWARI, J. (ORAL)

CM-1690-C-2016

For the reasons recorded, the application is allowed. Delay of 67 days in refiling the appeal is condoned.

RSA-618-2016 (O&M)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit for specific performance filed by the respondent in the alternative.

The case of the respondent was that the appellant had entered into the agreement to sell the house owned by her vide agreement dated 19.04.2010 for a total sale consideration of Rs.2,27,000/- who had obtained a sum of Rs.65,000/- by way of earnest money.

The case of the appellant on the other hand was that firstly, she had never entered into any agreement to sell, secondly, any agreement to sell which may have been in the possession of the respondent was forged

and fabricated and thirdly, that she was not the sole owner of the house and could not have entered into the agreement to sell the entire house. The appellant appeared and examined herself as a witness and the respondent examined himself as well as the attesting witness. Counsel for the appellant ha argued before the courts below that there are discrepancies between the testimonies of the respondent and the attesting witness regarding the scribe. The courts below considered these arguments and noticed that signatures which the appellant admittedly appended on the vakalatnama were identical to those which had appeared on the agreement to sell and that the discrepancies in the testimony of the respondent and the attesting witness were minor in nature and decreed the suit.

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

(**AJAY TEWARI**)
JUDGE

September 17, 2018

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No