

RSA-6298-2016 (O&M)

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

RSA-6298-2016 (O&M)

Date of decision : 13.12.2018

Om Parkash (deceased) through LRs and another

... Appellants

Versus

Vikas Goel and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Deepak Sharma, Advocate
for the appellants.

AMIT RAWAL, J.

CM-16537-C-2016

For the reasons stated in the application, the delay of 44 days in
refiling the appeal is condoned.

CM stands disposed of.

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The appellants-plaintiffs have not been successful for recovery
of ₹2,87,500/- being deficient of amount to be paid by defendant Nos.4 & 5,
in lieu of registration of sale deed dated 03.08.2009.

It was alleged that defendants were having shortfall of amount
of ₹2,50,000/- at the time of registration and withheld the said amount, thus,
the suit, aforementioned, was filed.

The defendants opposed the suit and stated that a sum of
amount of ₹2,50,000/- Lacs was paid to one Pooja Rani, on 19.02.2010.

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Learned counsel appearing on behalf of the appellants-plaintiffs submitted that judgments and decrees of the Courts below are not sustainable on the following grounds:-

1. Pooja Rani had not been examined.
2. The defendants admitted that at time of preparation as well as at the time of registration of the sale deed, there was a shortfall of ₹2.50,000/-.

I am afraid the aforementioned arguments are not sustainable as registered documents reflect that entire consideration had been paid. If at all, there was a shortfall, the appellant-plaintiff would have taken a separate undertaking or writing in the sale deed. Non-examination of Pooja Rani cannot be fatal as the plaintiff failed to discharge the onus.

In this view of the matter, there cannot be any illegality or perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination.

Resultantly, the regular second appeal is dismissed.

13.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**