

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

**RSA No.2271 of 2014 (O&M)
Date of Order: 08.10.2018**

Surjan Singh

..Appellant

Versus

Gurdeep Singh and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Arora, Advocate,
for the appellant.

Mr. Ishwar Lal, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Defendant no.1-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while decreeing the suit filed by the plaintiff for possession by way of specific performance of the agreement to sell.

Defendant denied execution of the agreement to sell and also pleaded that his son (defendant's son) has also filed a suit.

Both the courts after examining the evidence, have recorded a finding that execution of the agreement to sell and the payment of earnest money has been proved with careful examination of the agreement to sell, which is duly signed by the parties and evidence of Kulwinder Singh, the marginal witness of the agreement to sell. The courts have further concurrently recorded a finding that plaintiff was always ready and willing to perform his part of the contract as on the target date fixed for execution

and registration of the sale deed, he was present before the sub-Registrar and had got his presence marked.

Learned counsel for the appellant submitted that the amount of sale consideration as depicted in the agreement to sell is lower than the market rate. He submitted that since the agreement to sell was not as per the market rate, therefore, the agreement to sell is doubtful.

On being asked, learned counsel for the appellant admitted that no issue on the aforesaid fact had been got framed by the defendant.

Still further, both the courts on examination of the evidence, found that the agreement to sell is not doubtful.

It has been pointed out by learned counsel for the respondent that during the pendency of the present appeal sale deed has also been executed in favour of the plaintiff-respondent. It is also not in dispute that the separate suit filed by the son of defendant no.1-appellant has also been dismissed.

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

C.M.No.3969-C-2015

Counsel for the appellant does not press the present application in view of the judgment passed above.

October 08,2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No