

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

**RSA-5441-2015 (O&M)
Date of Decision:11.10.2018**

Dalip Singh

... Appellant

Versus

Jagdev Singh & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Dhaliwal, Advocate for the appellant.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CM-15478-C-2018:

Prayer in the instant application is for preponement of the date of hearing in the main appeal which is otherwise fixed for hearing on 29.01.2019.

It has been averred in the application that the appellant is a senior citizen and wishes to withdraw the RSA.

Application is supported by an affidavit dated 28.09.2018 of the son of the applicant/appellant.

Mr. G.S. Dhaliwal, learned counsel representing the applicant/appellant reiterates the prayer made in the application.

Keeping in view the submissions made by counsel as regards withdrawal of the main appeal, prayer is allowed.

The date in the main appeal is preponed from 29.01.2019 and the same is taken up on Board today itself.

Application is disposed of.

Main case:

Plaintiff-Dalip Singh instituted a suit for possession of land measuring 16 kanals, 5 marlas by way of specific performance of an agreement to sell dated 09.03.2004. Trial Court vide judgment and decree dated 08.10.2012, partly decreed the suit in favour of the plaintiff and against defendants with regard to refund of earnest money of Rs.2 lakhs along with interest @ 9% per annum w.e.f. 09.03.2004 till realization of the decretal amount. Plaintiff/appellant preferred a civil appeal and the same was dismissed vide judgment dated 03.03.2015 passed by the learned Additional District Judge, Ludhiana and thereby affirming the judgment and decree of the trial Court.

Resultantly, the plaintiff/appellant is in second appeal before this Court raising a plea that his suit ought to have been decreed in toto i.e. for the main relief of specific performance of the agreement to sell dated 09.03.2004.

Learned counsel representing the appellant makes a categorical statement at the bar that he has instructions from the appellant not to pursue the instant appeal.

In the light of such statement having been made, the main appeal is dismissed as not pressed.

11.10.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |