

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

Date of decision: 16.7.2018

1.

RSA No.3829 of 2014(O&M)

Hawa Singh

....Appellant

VERSUS

Satbir Singh @ Satyabir and another

.....Respondents

Present: Mr. Munish K. Garg, Advocate for the appellant.

Mr. Munish Behl, Advocate for respondents.

2.

RSA No.6344 of 2014(O&M)

Satbir Singh @ Satyabir

....Appellant

VERSUS

Hawa Singh and another

.....Respondents

Present: Mr. Munish Behl, Advocate for the appellant.

Mr. Munish K. Garg, Advocate for the respondents.

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

REKHA MITTAL, J. (Oral)

This order will dispose of RSA Nos.3829 and 6344 of 2014 as these have emanated from civil suit No.33 of 2005 filed by Hawa Singh, appellant in RSA No.3829 of 2014 seeking specific performance of agreement of sale dated 20.07.2001.

The trial Court dismissed the suit but the Court in appeal partly decreed the suit and the appellant/plaintiff was held entitled to

recovery of Rs.8 lakhs i.e. double of Rs.4 lakhs paid towards earnest money, payable with interest at the rate of 6% per annum w.e.f. 07.02.2005 till realization of Rs.8 lakhs.

Counsel for the parties are ad idem that the appeals may be disposed of but subject to modification of the judgment and decree passed by the Court in appeal in the following terms:-

Hawa Singh – appellant shall be entitled to recover Rs.9 lakhs from Satbir Singh @ Satyabir – defendant No.1 with interest at the rate of 6% per annum w.e.f 07.02.2005 till realization of the amount of Rs.9 lakhs.

In view of the above, the judgment and decree passed by the Court in appeal are modified accordingly.

The appeals stand disposed of.

JULY 16, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no