

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

124

RSA-1848-2017 (O & M)
Date of Decision:29.08.2018

Ran Singh

...Appellant

Versus

Mool Chand

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kewal Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM No.4481-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 54 days in filing the appeal is condoned.

Main Case

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below while dismissing the suit for possession by way of specific performance of the agreement to sell dated 18.05.2003.

Defendant contested the suit and pleaded that neither any agreement to sell was executed nor any earnest money was paid. Defendant further denied his signatures. Learned trial Court gave four reasons to discard agreement to sell.

(i) There are material cuttings/interpolation in the agreement to sell.

(ii) Plaintiff has sought relief of possession although as per

agreement to sell possession has been delivered.

(iii) none of the marginal witness has been examined although they are alive.

(iv) different inks have been used to scribe the agreement to sell.

Learned First Appellate Court further found that agreement to sell is a fabricated document. Learned First Appellate Court further noticed that the suit has been filed on the last day of limitation for filing a suit for specific performance of the agreement to sell i.e. after three years.

Although, learned counsel for the appellant make sincere attempt, however, could not draw attention of the Court to any perversity or misreading of evidence by the Courts below. This Court while exercising powers of second appeal do not find any good ground to interfere in the concurrent finding of fact arrived at by both the Courts below.

Regular second appeal is dismissed.

All pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

29.08.2018

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(ANIL KSHETARPAL)

JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No