

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

RSA No. 1553 of 2018 (O&M)
Date of decision : April 19, 2018

Hari Singh

..... Appellant

v.

Shri Rattan Lal Sharma

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. O.P Sharma, Advocate
for the appellant.

Ajay Tewari, J (Oral)

C.M No.4146 C of 2018

For the reasons recorded, this application is allowed and delay
of 6 days in refiling the appeal is condoned.

RSA No.1553 of 2018

This appeal has been filed against the concurrent judgments of
the Courts below decreeing the suit of the appellant in the alternative, that
is to say the Courts below have passed a decree for recovery of the earnest
money with interest instead of a decree for specific performance. The main
reason which weighed with the Courts below to decline the relief of specific
performance was the fact that despite knowing that the land was owned by
M/S Rajdhani Land & Finance, the appellant did not implead the owner but
chose only to implead its general attorney Rattan Lal and that is the reason

that the Courts below held that once the owner was not made a party, decree for specific performance was not passed. I find myself in agreement with the finding of the Courts below. Consequently, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

April 19, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No