

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

219

RSA No.5857 of 2014 (O&M)

Date of Decision : 08.08.2018

Amarjit Singh

..... Appellant

Versus

Ajit Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Parminder Singh, Advocate
for the appellant.

Mr. Ripudaman Singh Sidhu, Advocate
for Mr. B.S.Sewak, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower appellate Court decreeing the suit of the respondent in the alternative i.e. for recovery of money.

The case of the respondent was that originally the appellant had entered into an agreement to sell 4 kanals of land on 10.01.2005 who had received Rs.60,000/- as earnest money. Later on he sold that land and when the respondent remonstrated with him he entered into a fresh agreement to sell 6 kanals 16 marlas dated 10.06.2005. In this agreement to sell it was mentioned that the earnest money of Rs.60,000/- received against the first agreement would now be adjusted as earnest money towards the next agreement. He also obtained another sum of Rs.44,000/-. Since he did not turn up to execute the sale deed the instant suit was filed.

The plea of the appellant was very interesting. He did not dispute his signatures on the two agreements to sell but pleaded that at the relevant time he was suffering from some mental ailment and during the time of his illness the respondent may have got his signatures on the blank papers. The respondent examined the attesting witnesses and both the Courts consequently held that the agreement/s were proved. Since the land had been sold in the meantime, ultimately, the Courts below granted the alternative relief of recovery and that is how the appellant is in appeal. Even before me the argument taken is that actually the signatures of the appellant were obtained on blank papers and no money was received.

This is a plea of fraud. It is trite to say that fraud has to be proved beyond reasonable doubt. Apart from the bald statement of the appellant there is no other proof of fraud. In the circumstances, there is no ground to interfere in the judgments of the Courts below.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

08.08.2018
pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No