

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

RSA No.5203 of 2017 (O&M)
Date of Decision : 05.02.2018

Ashok Kumar

..... Appellant

Versus

Smt. Rama and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Kiran Kumar, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for specific performance filed by the appellant.

The essential facts are that the date for execution of the sale deed was admittedly fixed at 31.12.1985 and on that date the appellant appeared before the Sub Registrar and got his presence marked. The Courts below however, held that since in the application to get his presence marked the appellant had not mentioned that he had the balance consideration amount and the amount for the stamps, it could not be proved that he was 'ready' though even though he had proved that he was 'willing'.

Learned counsel has argued that the financial capacity of the appellant was nowhere denied by the respondents in the written statement.

In my opinion, this is not the right approach and the Courts

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have rightly held that it was for the appellant to have proved his readiness

and willingness on the proposed date of sale and he could not rely on any subsequent non-denial of his readiness to prove that on the date in question he was ready and willing.

Appeal is dismissed.

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

(AJAY TEWARI)
JUDGE

05.02.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No