

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RSA No.6041 of 2017 (O&M)

Date of Decision.30.11.2018

Hari Chand

....Appellant

Vs

Sudesh Bajaj and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mohan Singh Rana, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

Concededly the defendant had cancelled the agreement
and forfeited the earnest money vide legal notice dated 24.12.2007.

The plaintiff simplicitor sought for specific performance
of the agreement without assailing the cancellation, which is not
maintainable, in view of the law laid down by Hon'ble Supreme Court
in **I.S. Sikandar through LRs Vs. K. Subramani and others 2014(1)**
RCR (Civil) 236. No explanation has come forward in not assailing
the same except denial of the receipt of notice, which was sent by
registered post.

The appeal is also accompanied by an application
seeking condonation of delay of 137 days in filing of the appeal. The
explanation lacks bona fides.

As an upshot of my finding, I do not find any illegality
and perversity in the judgments and decrees rendered by the Courts
below, much less, no substantial question of law arises for

determination by this Court. No ground for interference is made out.

The second appeal is dismissed both on the ground of limitation as well as on merit.

(AMIT RAWAL)
JUDGE

November 30, 2018

Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No