

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CM-16543-C-2018 in/and
RSA-5935-2018 (O&M)
Date of Decision : 30.10.2018

Gurmukh Singh

..... Appellant

Versus

Amar Singh (since deceased) through LR.

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. H.S. Baath, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (ORAL)

CM-16543-44-C-2018

For the reasons recorded, the applications are allowed. Delay of 128 days in refiling the appeal is condoned. Deficiency of court fee is made good.

RSA-5935-2018 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant.

The appellant had filed a suit praying that the sale deed executed on 24.07.1995 be cancelled because it was without consideration. The root of the litigation came in the year 1966 when the original respondent obtained a decree of specific performance for the same property against the appellant. One the one hand, the appellant kept challenging that decree right upto this Court and on the other hand, as per the original respondent, he had deposited the amount of consideration money in the

treasury in the year 1966. Thereafter, after the appellant lost his appeal upto this Court, the respondent filed an execution. In that execution, the appellant took the plea that actually the respondent had not deposited the remaining consideration amount 'within the stipulated period'. The Executing Court found that neither there was any period stipulated in the judgment for deposit and in fact the respondent had deposited the amount in the year 1966. It was thereafter that the sale deed was executed by the court in execution. The appellant did not stop there. He filed a civil writ petition in this Court challenging the sale deed. That writ petition was dismissed and thereafter the instant suit was filed. It was in these circumstances that the suit has been dismissed. Hence, the present appeal.

I find that the appellant has misused the process of law for personal gains. Consequently, the appeal is dismissed with costs of Rs.50,000/-.

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

(AJAY TEWARI)
JUDGE

October 30, 2018

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No