

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

RSA-1189-2019(O&M)

Date of decision:-10.7.2019

Manjit Singh and another

...Appellants

Versus

Raj Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ashok Gupta, Advocate
for the appellants.

H.S. MADAAN, J.(ORAL)

In a suit for possession by way of specific performance, mandatory injunction, permanent injunction and in alternative for recovery with interest filed by plaintiffs Raj Kumar and Banish Kumar against defendants Manjit Singh, Arun Gupta, Minakshi Gupta and Punjab Small Industries and Export Corporation Ltd., Chandigarh, the trial Court of Civil Judge (Sr.Divn.), SAS Nagar (Mohali) after contest decreed the suit vide judgment and decree

dated 19.5.2015.

Defendants Manjit Singh and Arun Gupta had preferred an appeal against the said judgment and decree, which was dismissed by Additional District Judge, SAS Nagar (Mohali) vide a detailed judgment and decree dated 20.11.2018.

Still feeling dissatisfied both these defendants approached this Court by way of filing regular second appeal.

I have heard learned counsel for the appellants besides going through the record.

Both the Courts below considering the facts and circumstances of the case, pleadings of the parties and evidence available on record brought by the parties have returned findings that plaintiffs are entitled to possession of the suit property by way of specific performance of agreement dated 22.9.2009 on payment of balance consideration. The plea taken by the defendants that defendant No.3 Minakshi Gupta was co-allottee in the plot along with defendant No.1 – Manjit Singh was rejected observing that the suit property stands in the name of Manjit Singh – defendant No.1 and was not transferred in the name of defendant No.3, as such the latter could not be termed as co-allottee in the suit property.

I find that the judgments recorded by the courts below are detailed and well reasoned based upon proper appraisal of evidence and correct interpretation of law. There is no illegality or infirmity

therein, which might have called for interference by this Court while hearing second appeal.

No substantial question of law arises in this appeal.

Therefore, I do not find any merit in the present appeal and do not see any reason to disturb the legal, valid and well reasoned judgments passed by the Courts below.

The appeal stands dismissed accordingly.

10.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable : Yes/No