

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-A-1004-MA-2013(O&M)
Date of Order:29.11.2019

Arjun Shah Singh

..Appellant

Versus

Kailash Kumar Khera

..Respondent

CRM-A-1005-MA-2013(O&M)

Arjun Shah Singh

..Appellant

Versus

Kailash Kumar Khera

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rohit Ahuja, Advocate
for the appellant (in both the cases).

Mr. Tarun Sharma, Advocate, for
Mr. P.S.Jammu, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

By this order, two connected applications for special leave to appeal i.e. CRM-A-1004-MA-2013 and CRM-A-1005-MA-2013 shall stand disposed of.

The complainant and the respondent are common in both the complaints and learned Judicial Magistrate Ist Class, although, have decided the criminal complaints by separate judgments, however, facts are common.

It is the case of the appellant that he agreed to purchase House No.2C/78/WH, N.I.T., Faridabad, for total sale consideration of Rs.25,00,000/- from the accused-respondent herein and paid an amount of Rs.6,25,000/- in cash as an earnest money. The balance sale consideration was to be paid on or before 01.06.2009. However, respondent subsequently

resiled from the agreement and it was settled between the parties that respondent would refund the amount of Rs.6,25,000/- for which cheques in question in both the complaints were issued.

Learned Judicial Magistrate Ist Class has noticed that no agreement to sell/purchase has been produced on file. Complainant-appellant has admitted that he had not seen the papers of the property before alleged payment of Rs.6,25,000/-. Complainant and the accused live in neighbourhood and the house is in the name of the mother and not respondent-Kailash Kumar Khera.

Learned Magistrate on appreciation of evidence has formed an opinion which appears to be plausible.

Although, learned counsel for the appellant has made sincere attempt, however, failed to draw any perversity or substantive error in the judgment under appeal.

Hence, no ground to grant special leave to appeal is made out.

Both special leave to appeal are dismissed.

November 29, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No