

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

RSA No. 350 of 1996(O&M)

Date of decision: 4.7.2019

Niranjan SinghAppellant

VERSUS

Gurdev Kaur and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. H.S. Maan, Advocate for the appellant.

Mr. S.K. Rana, Advocate for respondents No.1 to 7 and 10.

REKHA MITTAL, J.

Challenge in the present appeal has been directed against judgment and decree dated 14.09.1995 passed by the Additional District Judge, Mansa, whereby appeal against judgment and decree dated 03.12.1991 passed by the trial Court was partly allowed and the appellant/plaintiff was granted alternative relief of recovery of Rs.9000/- paid towards earnest money in addition to Rs.9000/- as liquidated damages, payable with interest at the rate of 6% per annum from the date of execution of the agreement till realization, to be paid within two months from the date of judgment while setting aside the decree qua specific performance of the agreement of sale.

Counsel for the parties would state that dispute between the parties has been settled by way of compromise. Joint affidavit of Jagjit Singh, Daljit Singh, Gurpreet Singh sons of appellant Naranjan Singh and affidavit of Gurdev Kaur – respondent No.1 filed in the Court are taken on

record. Counsel for the parties, on instructions, would state that the present appeal may be disposed of and judgment and decree passed by the first Appellate Court may be modified in the following terms:-

1. The respondents, in discharge of their obligation under the agreement of sale dated 11.07.1984, would execute a sale deed in favour of Naranjan Singh – appellant qua land measuring 3 kanals on payment of balance sale consideration of Rs.12,206/-.
2. The respondents shall be entitle to seek refund of amount deposited in the Treasury in pursuance of the judgment and decree passed by the first Appellate Court.
3. The respondents shall execute the sale deed in favour of Naranjan Singh - appellant within a period of two months from today.

Disposed of accordingly.

JULY 4, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no