

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

RA-RS-89-2019 (O&M) in
RSA-4290-2018
Date of decision : 29.08.2019

Avinash Jain

...Review Applicant/appellant

Versus

Vinod Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baldev Kapoor, Advocate
for the review applicant/appellant.

ANIL KSHETARPAL, J.

CM-8973-C-2019

For the reasons stated in the application, which is duly supported by an affidavit, delay of 34 days in refiling the present review application is condoned.

Application is allowed.

CM-8974-C-2019

For the reasons stated in the application, which is duly supported by an affidavit, delay of 179 days in filing the present review application is condoned.

Application is allowed.

RA-RS-89-2019

Review of judgment passed by this Court on 26.09.2018 has been sought.

A separate application bearing CM-10893-C-2019 has been filed to adjudicate the review application after reading the file as appellant does not want to make oral submissions. When the case was called, learned counsel

appearing for the appellant prays for an opportunity to address oral arguments. This Court has placed its displeasure on record to such conduct of the review applicant. Anyhow, the prayer for oral hearing is allowed, hence, application bearing CM-10893-C of 2019 is dismissed as not pressed.

In the present case, plaintiff-appellant had filed a suit for specific performance of the agreement to sell. Learned trial Court as well as learned First Appellate Court concurrently found that the appellant is not entitled to specific performance of two agreements to sell dated 14.12.2003 and 26.12.2003. The Courts ordered that plaintiff is only entitled to refund of the amount except earnest money. This Court after hearing learned counsel for the appellant dismissed the appeal as noted above. Special leave Petition (Civil) No.32940 of 2018 was dismissed by Hon'ble the Supreme Court on 03.01.2019 against the judgment passed by this Court. Appellant filed a review application before the Hon'ble Supreme Court being Review Petition (Civil) No.567 of 2019 which was withdrawn on 01.04.2019.

Learned counsel for the review applicant/appellant, at the time of arguments, has tried to raise same arguments as were addressed at the time of hearing the appeal. At the time of hearing of the review, the jurisdiction of the Court is limited. Anyhow, learned counsel has been heard at length. On consideration of the facts of the present case, no ground to review is made out. Hence, review application is dismissed with costs of ₹50,000/-.

29.08.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

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