

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

**Crl. Revision No. 2718 of 2015
Date of Decision: July 19, 2019**

Sant Lal

.....PETITIONER

VERSUS

Jatti Bai and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sushil Kumar Verma, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

FIR No. 837 dated 20.12.2005 was registered on the complaint by petitioner-Sant Lal alleging therein that he had entered into an agreement dated 17.05.2005 for purchase of land measuring 49 kanals 12 marlas of Jatti Bai and paid ₹10 lakhs as earnest money. The date for execution and registration of the sale deed was fixed as 07.11.2005, on which date, Jatti Bai did not appear to execute the sale deed. The complainant came to know that vide judgement and decree suffered by Jatti Bai, she had already transferred land measuring 47 kanals 4 marlas out of the disputed land by way of oral exchange in favour of Munshi Ram, who was arrayed as accused No. 2. This decree was suffered on the basis of oral exchange dated 15.04.2005. Both the Courts below did not accept the plea of petitioner that respondents have committed any fraud with the petitioner. While recording these observations, it was observed that the petitioner filed suit for specific

performance of the agreement against Jatti Bai which was decreed and judgment and decree in favour of Munshi Ram was held as collusive and was set aside. Learned Ist Appellate Court while affirming the order passed by the learned trial Court has observed that it is a case of civil nature and does not constitute a criminal offence.

After passing of the decree of specific performance of agreement in his favour, stand of the petitioner that Jatti Bai was owner of the land on the date of agreement has been vindicated. The transaction between Jatti Bai and Munshi Ram has been held to be collusive. However, that does not indicate any conspiracy in between them to divest the petitioner of his right to seek specific performance of the agreement in his favour. The civil matter between the parties is still pending.

Keeping in view the above facts I find no reason to interfere with the well reasoned judgments of the Courts below extending the benefit of acquittal to the private respondents or to allow any permission to the petitioner to file this appeal.

This petition has no merits.

Dismissed.

July 19, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No