

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

**RSA-3276-2019 (O&M)
Date of Decision : 16.12.2019**

Baby alias Bewa Devi Appellant
Versus

Anoop Singh Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Vijay Pal, Advocate
for the appellant.

RAMENDRA JAIN, J. (Oral)

CM-9901-C-2019

Since the main appeal is listed today, therefore, the instant application for preponment has been rendered infructuous and is disposed of as such.

RSA-3276-2019

Through this appeal, appellant-defendant has laid challenge to the judgment and decree dated 02.04.2019 of the lower appellate court whereby her appeal against the judgment and decree dated 07.08.2018 of the trial Court, was dismissed with modification, whereby suit of respondent-plaintiff for possession by way of specific performance was converted into a money decree of Rs.34,00,000/- alongwith interest @ 6% per annum, to be payable by appellant.

Briefly, respondent Anoop Singh filed a suit for possession by way of specific performance against appellant on the basis of agreement to sell dated 17.04.2014 whereby, she allegedly agreed to sell her 13 kanals

19 marlas of land, fully detailed in the judgment of learned trial court, situated within the revenue estate of village Kelnia, Tehsil and District Sirsa, as per jamabandi 2012-13.

Upon notice, appellant contested the suit. The trial court, after holding trial and disbelieving her, decreed the suit of respondent in toto vide judgment and decree dated 07.08.2018.

Being aggrieved, appellant approached the Appellate Court, but remained unsuccessful as her appeal was also dismissed with aforesaid modification vide judgment and decree dated 02.04.2019.

Learned counsel for appellant contends that the learned appellate court failed to appreciate that counsel for the appellant Sh. Balwant Singh Yadav, Advocate, cheated her for an amount of ₹29,56,000/- which she paid to him for onward payment to respondent, in terms of compromise between them, during the pendency of appeal.

Having given my thoughtful consideration to the submissions, this court finds the instant appeal merits dismissal for the reasons to follow.

There is no documentary proof qua handing over of Rs.29,56,000/- by appellant to her counsel Sh.Balwant Singh Yadav. Thus, in the absence of any such proof, above plea of appellant is to be turned down outrightly.

Perusal of file shows that earlier one Sukhjeet Singh also filed a suit for specific performance against appellant. The same too was decreed against her. Thus, it is apparent that appellant is in the habit of cheating and committing frauds with different people at different times by executing sale agreements.

I have gone through the judgments of both the Courts below and find that concurrent findings have been recorded against the appellant after appreciation of evidence led by the parties on record.

No question of law much less substantial has been raised in this appeal. Hence the same is held not maintainable.

In view of above factual and legal aspect, the instant appeal is dismissed.

16.12.2019
mamta

(RAMENDRA JAIN)
JUDGE

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