

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

RSA No. 3027 of 2016 (O&M)
Date of decision: 7.3.2019

Randhir Singh

...Appellant

Versus

Tejwant Singh and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Arun Takhi, Advocate,
for the appellant.

Mr. BS Mann, Advocate,
for respondent No.1.

JAISHREE THAKUR, J. (Oral)

The appellant herein seeks to challenge the judgment and decree dated 25.2.2016 passed by the Additional District Judge, Gurdaspur, vide which the judgment and decree dated 14.5.2014 passed by the Civil Judge (Junior Division), Batala, was modified and the decree for specific performance of agreement dated 4.2.2006 was passed in favour of the plaintiff/respondent No.1 herein.

Learned counsel for the appellant contends that the trial court had only allowed alternative relief directing the appellant herein to refund the earnest money along with interest at the rate of 6% per annum from the date of filing of suit till its realization, however, the first Appellate Court, had allowed the entire suit as filed and decreed for specific performance of the agreement to sell dated 4.2.2006, giving rise to the instant appeal.

Learned counsel for the appellant further submits that during the pendency of the instant appeal in this Court, the matter has been settled between the parties and the appellant herein has refunded the earnest money along with interest in terms of the judgment and decree rendered by the trial court. It is argued that since the money has been accepted by the plaintiff/respondent No.1 herein, the judgment and decree of the first Appellate Court be set aside and that of the trial court be affirmed.

Learned counsel appearing on behalf of plaintiff/respondent No.1 does not dispute the factual position and admits to having received entire earnest money along with interest in terms of the judgment and decree of the trial court and submits that he has no objection in case the judgment and decree as passed by the first Appellate Court is set aside and that of the Trial Court is affirmed.

In view of the above statements made by the learned counsel for the respective parties, the judgment and decree of the First Appellate Court is set aside and that of the Trial Court is affirmed.

The appeal stands disposed of on the above terms.

7.3.2019
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No