

RSA No. 3894 of 2015 (O&M)

Date of Decision: 10.9.2019

Om Parkash

---Appellant

versus

Shri Angrej Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Tarunveer Vashisht, Advocate
for the appellant**

**Angrej Singh, Dalip Singh and Amrit Singh, respondents
No. 1, 2 and 4 in person**

**Mr. J.S.Cooner, Advocate,
for respondents No. 1, 2 and 4**

Rekha Mittal, J.

Counsel for respondents No. 1, 2 and 4 would state that respondent No. 3 Pritam Singh is actually father of respondents No. 1, 2 and 4 and Sh. Pritam Singh has already passed away. He would further state that respondent No. 3 has wrongly been mentioned as son of Pritam Singh but he is actually son of Amar Singh.

Counsel for respondents No. 1, 2 and 4, on instructions, would state that respondents are ready to refund the amount of Rs. 3 Lakhs paid towards earnest money, as per agreement propounded by the appellant.

Counsel for the appellant would state that he has the instructions to say that appellant does not press the appeal claiming specific performance of agreement of sale in case respondents No. 1, 2 and 4 pay the amount of Rs. 3 Lakh, in view of agreement dated 23.7.2005.

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In view of the above, the appeal is partly allowed. The judgments and decrees passed by the courts are modified to the effect that appellant shall be entitle to recover Rs. 3 Lakhs paid towards earnest money, to be deposited by respondents No. 1, 2 and 4 in the trial court within a period of one month. In case respondents fail to deposit the aforesaid amount within a period of one month, the same shall carry interest @ 7.5% per annum from the date of agreement till realization.

(Rekha Mittal)
Judge

10.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No