

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

**RSA No.5880 of 2015 (O&M)**

**Date of decision:18.3.2019**

Chhinderpal Kaur

... Appellant(s)

Vs.

Prem Chand

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Jatinder Pal Singh, Advocate  
for the appellant.

**AMIT RAWAL J. (Oral)**

**C.M.No.14641-C of 2015**

For the reasons stated in the application which is duly supported by an affidavit, delay of 2 days in filing the appeal is condoned.

C.M. stands allowed.

**RSA No.5880 of 2015 (O&M)**

The only two fold arguments raised by Mr. Jainder Pal Singh are whether in a suit for specific performance of the agreement to sell dated 13.03.2008, the plaintiff did not appear on the target date i.e. 25.05.2008 being Sunday, marking his presence on 28.05.2008 without any explanation of 26.05.2008 and 27.05.2008 can readiness and willingness be wanting entailing into declining of discretionary relief as granted by both the Courts below.

The answer, in my view, would be in favour of the plaintiff, for, the agreement to sell was admitted. There would have been some force, had the appellant marked his presence before the Sub-Registrar on 26.05.2008 and 27.05.2008 as the marking of presence before the Notary was not the requirement of law. It is not Notary who has to accept the stamp papers for execution and registration of the sale deed.

It is also a matter of record that plaintiff filed the suit in July 2008. The readiness and willingness has been proved to the hilt. This is what has been noticed by both the Courts below.

Thus, arguments of Mr. Jatinder Pal Singh, have not been able to bring the case within the realm of illegality and perversity to form a different opinion than the one arrived at by the Courts below. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)  
JUDGE

March 18, 2019  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |