

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

RSA No.3553 of 2018 (O&M)

Date of decision : 13.03.2019

Raghvir Singh

...Appellant

Versus

Amritpal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Achin Gupta, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below decreeing the suit for possession by way of specific performance of the agreement to sell dated 16.08.2011.

Plaintiff pleaded that at the time of entering into the agreement to sell, entire payment was made and defendant has refused to honour the agreement to sell. The defendant apart from claiming that the agreement to sell is forged and fabricated, pleaded that he had borrowed a sum of ₹50,000/- and in lieu thereof, his signatures were taken on the blank stamp papers. When defendant appeared in evidence, he admitted that he had himself purchased stamp paper worth ₹2,000/- as required for execution of the agreement to sell. Still further, the Courts have found that one of the marginal witness of the agreement to sell is brother of the defendant who

has appeared as DW2 but did not come forward for cross-examination. The stamp papers have been purchased for execution of the agreement to sell.

Both the Courts on appreciation of the evidence, have found merit in the case set up by the plaintiff. Defendant has failed to prove his part of the story.

Learned counsel for the appellant although made sincere attempt to persuade this Court to take a different view, however, keeping in view the concurrent findings of fact which is on proper appreciation of evidence particularly when the counsel failed to point out any substantive error in the judgments, therefore, there is no ground to interfere.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

13.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No