

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

RSA-591-2020(O&M)

Date of decision: 11.02.2020

Ramanpreet Kaur

.....Appellant

Versus

Navjeet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Amandeep Singh Jawandha, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant has filed the present appeal against the judgment passed by the learned First Appellate Court granting decree for recovery of the earnest money received at the time of execution of the agreement to sell dated 3.2.2004 by a minor through her natural guardian. The mother on behalf of a minor child had agreed to sell certain immovable property while receiving ₹1 lakh as earnest money. Application for permission to sell was also filed by the defendant-appellant through her guardian in the Court which was later on withdrawn. The plaintiff-respondent filed a suit for possession by way of specific performance of agreement to sell dated 3.2.2004. Learned Trial Court keeping in view the facts of the case granted alternative relief directing the plaintiff to pay a sum of ₹6,14,250/- alongwith interest at the rate of 9% per annum from 3.2.2004 till its realization.

Learned First Appellate Court on re-appreciation of evidence has ordered that only the amount of earnest money received is liable to be refunded.

This Court has heard learned counsel for the appellant and with his able assistance has gone through the judgments passed by the Courts below.

Learned counsel for the appellant, although made sincere attempt, however, failed to draw attention of the Court to any substantive mis-reading or non-reading of the evidence or error of law.

Hence, dismissed.

11.02.2020
rekha
Whether speaking/reasoned
Whether Reportable

(ANIL KSHETARPAL)
JUDGE
Yes / No
Yes / No