

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

**RSA No. 3783 of 2015 (O&M)
Date of Decision: 30.01.2020**

Inderjit Singh

.... Appellant

Versus

Satinderpal Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipul Dharmani, Advocate
for the appellant.

Mr. Baldev Singh Sodhi, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below granting alternative relief of refund of earnest money along with interest @ 9% per annum till the date of judgment along with future interest @ 6% per annum till its realization. Both the Courts have refused to grant relief of specific performance of the agreement to sell after noticing that the plaintiff has admitted that he is a money lender.

This Court has heard learned counsel for the parties and with their able assistance, gone through the judgment passed by the Courts below and record.

Learned counsel for the appellant submitted that the defendant had, in fact, repaid the amount of Rs. 3,50,000/- along with regular interest. He, hence, submitted that the Court has erred in passing a decree for entire amount.

On perusal of the record, it is apparent that the defendant has failed to produce any documentary evidence to prove that the amount of Rs. 3,50,000/- has been repaid. In absence thereof, both the Courts on appreciation of evidence, have recorded a concurrent finding of fact.

Hence, there is no ground to interfere.

Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

30.01.2020
Maninder

Whether speaking/reasoned : Yes
Whether reportable : No