

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

RSA-4969-2017 (O&M)
Date of decision : 07.02.2020

Jasveer Singh

...Appellant

Versus

Inderjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Malkeet Singh, Advocate for the appellant.

Mr. Parvinder Singh, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellant has filed the present Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below while granting a decree for possession by way of specific performance of the agreement to sell.

Both the Courts have held that the execution of the agreement to sell, payment of earnest money and additional amount, the plaintiff being always ready and willing to perform his part of the contract, stand proved.

The defendant contested the suit on the ground that he is an agriculturist and used to sell his agricultural produce through Baldev Singh and Jaspal Singh, Commission Agents. In fact, he had, borrowed a sum of ₹2,00,000/- in the year 2013 and his signatures, photograph etc. were obtained at that time.

The defendant failed to prove that Inderjit Singh, the plaintiff is anyway connected with Baldev Singh and Jaspal Singh, Commission Agents. Although, the defendant has alleged that Inderjit Singh-plaintiff is son-in-law of brother of Baldev Singh, however, no substantive evidence in this regard has been produced.

Learned counsel for the appellant submits that Resham Singh, marginal witness was working as Clerk with the Commission Agent. Hence, he submits that the relief of specific performance should not have been granted.

No doubt, one of the marginal witness is working as Clerk in the shop of Commission Agents, however, that itself is not sufficient to conclude that Inderjit Singh, the plaintiff is related to the Commission Agent. The agreement to sell is with respect to a residential house and not with respect to any agricultural land. Both the Courts, on appreciation of evidence, have recorded the concurrent findings of fact. This Court, in absence of any substantive misreading or non-reading of evidence, do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Accordingly, the present Regular Second Appeal is dismissed.

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

07.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No