

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1311 of 2021 (O&M)

Date of Decision: 18.11.2021

Sukh Ram

... Appellant(s)

Versus

Lilu Ram

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Raman Mohinder, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The defendant, in a suit for possession by way of specific performance of agreement to sell, assails the correctness of the concurrent finding of facts arrived at by both the Courts below.

2. The plaintiff and the defendant are cousins. The agreement to sell between the parties is a registered document. The execution of the agreement to sell has been proved by examining both the attesting witnesses. The defendant (appellant herein) has failed to establish his case that the plaintiff had obtained his signatures on some blank papers. The photograph of the defendant is printed on the registered agreement to sell.

3. The learned counsel representing the appellant contends that in fact, the defendant had taken a loan from the plaintiff and for that purpose, the agreement to sell was executed. The defendant, while filing the written statement, has pleaded that neither any agreement to sell was executed nor

any payment was made. It has rather been the case of the defendant that the

plaintiff had obtained his signatures on some blank papers. Furthermore, the defendant has pleaded that his signatures were obtained while they were on their way from Jaipur to village Jorian. The learned counsel has produced a photocopy of the agreement to sell Ex.P1. From a bare perusal thereof, it is evident that the defendant (appellant herein) has signed the agreement to sell on both the pages. He has also signed twice while appearing before the Sub Registrar. His photograph is also printed on the agreement to sell.

3. Keeping in view the aforesaid facts, no ground to interfere is made out. Hence, the present appeal is dismissed.

4. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 18, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No