

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

**Civil Revision-1198 of 2021(O&M)
Date of Decision: 07.09.2021**

Sube Singh

...Petitioner

Versus

Sunita

...Respondent

CORAM : HON'BLE MR. JUSTICE SUDHIR MITTAL

**Present:- Mr. D.S. Yadav, Advocate
For the petitioner.**

**Mr. Jai Singh Yadav, Advocate
For respondent/ ceveator.**

SUDHIR MITTAL, J.(ORAL)

1. The plaintiff-respondent has filed a suit for specific performance of agreement to sell. It is her case that she entered into an agreement with defendant-petitioner to purchase the property in dispute and possession thereof was transferred to her on payment of entire sale consideration. Thereafter, the defendant-petitioner did not come forward to get the sale-deed registered. On the contrary, he unlawfully locked up the shop from outside. Accordingly, in the application filed under Order 39 Rules 1 and 2 CPC, a prayer was made for restoration of possession by removing the lock and for restraining the defendant-petitioner from interfering in her possession. The said application was dismissed by the trial Court. However, appeal there-against has succeeded. The Appellate Court has held that defendant-petitioner has not denied the agreement to sell nor has he denied receipt of consideration. Local Commissioner report shows

that plaintiff-respondent was in possession of the suit property as her sewing machine and garments were found in the shop in dispute. The plea of illiteracy raised on behalf of petitioner-defendant has been disbelieved.

2. Learned counsel for the petitioner has not been able to displace the aforementioned findings. Thus, revision petition has no merit and is dismissed. Caveat is discharged.

07.09.2021

Jiten Sharma

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No