

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

CR-2464-2021 (O&M)

Date of decision: 14.09.2022

Jaspal Singh

...Petitioner

Versus

Harnek Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ritesh Aggarwal, Advocate for the petitioner
 Mr. Prashant Puri, Advocate for
 Mr. Prateek Gupta, Advocate for respondent no.1
 Mr. Sandeep Chopra, DAG, Punjab
 for respondent no.2

ANIL KSHETARPAL, J (Oral)

The petitioner herein is a defendant in a suit for specific performance of the agreement to sell, which has been decreed for alternative relief of refund of the earnest money alongwith interest. The criminal case has also been registered against the petitioner, in which he has been convicted. The petitioner's appeal is pending before the court of Sessions. Even the first appeal filed by the petitioner against the order of refund is also pending. The prayer is to transfer both the cases to the same court presided by the same Presiding Judge.

The standard of proof required for deciding such cases is different. In a criminal case, the prosecution is required to prove the case beyond the shadow of a reasonable doubt whereas the civil court is required to decide the case on the preponderance of probabilities.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

14.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE