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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RSA-1753-2022 (O&M)****Date of Decision: December 09, 2022**

Ram Singh

..... Appellant

Versus

Raghvir Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr.Sukhjot Singh, Advocate for the appellant.

HARKESH MANUJA, J. (ORAL)

By way of present appeal, challenge has been made to judgments and decrees dated 21.01.2019 and 08.07.2022 passed by the Courts below; whereby a suit for specific performance regarding enforcement of an agreement to sell dated 02.05.2014 as regards 1/3rd share in the electric motor connection bearing Account No. AP-1709/EL (AP-02/62) of 12.05 HP (earlier 7.05 HP) installed over the joint property situated within the revenue estate of Village Badla, Tehsil Malerkotla, District Sangrur, has been decreed.

Brief facts of the case are that the respondent/plaintiff (hereinafter referred to as 'the respondent') filed a suit for specific performance regarding enforcement of an agreement to sell dated 02.05.2014 qua 1/3rd share in the electric motor connection bearing Account No. AP-1709/EL (AP-02/62) of 12.05 HP (earlier 7.05 HP) installed over the joint property situated within the revenue estate of Village Badla, Tehsil Malerkotla, District Sangrur; in the alternate

praying for recovery of refund of amount as well as for grant of prohibitory injunction restraining the appellant/ defendant (hereinafter referred to as 'the appellant) from interfering illegally and forcibly using the aforesaid connection or transferring the same in the name of any third party.

It was pleaded in the plaint that originally the predecessor-in-interest of the parties, namely, Kehar Singh who was owner of 48 Bighas 13 Biswas of land got installed the aforesaid electric motor connection over the same, the parties to the suit besides one Manjit Singh inherited the estate of deceased Kehar Singh on the basis of Will dated 04.04.2005 and accordingly aforementioned electric motor connection was also inherited by them to the extent of 1/3rd share each. Vide sale deed dated 14.03.2007, Manjit Singh sold his 1/3rd share in favour of Gurmeet Singh son of respondent followed by an agreement to sell dated 02.05.2014 between respondent and appellant regarding the remaining 1/3rd share out of the electric motor connection. Despite having received the sale consideration, the electric motor connection was not being transferred in the name of respondent, thereby compelling him to file suit for specific performance.

Upon notice, appellant appeared and denied execution of the aforementioned agreement, besides even denying the receipt of earnest money. Trial Court vide its judgment and decree dated 21.01.2019 decreed the suit in favour of respondent to the extent of transfer of electric motor connection in the name of respondent.

Aggrieved against the judgment and decree passed by the trial Court, the appellant filed first appeal, however, the same was dismissed by the Court of learned Additional District Judge, Sangrur; affirming the judgment and decree passed by the trial Court.

The only grievance raised at the instance of appellant in the present appeal has been to make clarification to the extent that by virtue of agreement to sell dated 02.05.2014 only the rights in the electric motor connection were sold and not the rights in the Kotha or the land over which the electric motor connection was installed. No other point was raised.

A perusal of the judgments and decrees passed by both the Courts below are apparently more than clear that under the aforesaid judgments and decrees, only specific performance as regards 1/3rd share of the appellant in favour of respondent based on agreement to sell dated 02.05.2014 has been awarded and no decree as regards the Kotha or the land over which the aforesaid connection has been installed is made and as such the judgments and decrees of the Courts below do not require any further clarification in this regard.

In view of the above, I do not find any illegally or irregularity requiring any influence with the findings recorded by both the Courts below which are purely factual in nature and based on proper appreciation of evidence available on record, as such, no question of law much less substantial question of law is involved in

the present appeal warranting interference by this Court in exercise of power under Section 100 of CPC.

Accordingly, the present appeal is dismissed.

Pending application(s), if any, shall also stand disposed of.

December 09, 2022
sanjay

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>