

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

**RSA-6049 of 2015 (O&M)
Date of decision: 06.09.2022**

M/s Shambhu Nath Chemical Works and others

..Appellants

Versus

Rohit Behal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shikhar Sarin, Advocate, for the appellants.
Mr. V.K.Jindal, Sr. Advocate, with
Mr. Gopal Soni, Advocate, for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Defendant no.1 to 3 in a suit for possession by way of specific performance of the agreement to sell with a consequential relief of permanent injunction assail the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the suit filed by the respondent (plaintiff).

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book and the record which was requisitioned.

The only argument of the learned counsel representing the appellants is that the plaintiff (Sh. Rohit Kumar son of Shri Joginder Kumar) is a different person than the person with whom the defendants entered into the agreement to sell. He submits that in the agreement to sell, Sh. Rohit Kumar is recited as son of Sh. Raj Kumar, whereas, the plaintiff is Sh. Rohit Kumar son of Sh. Joginder Kumar. The plaintiff in his plaint has stated that

he is son of Sh. Raj Kumar alias Joginder Kumar. It has come in evidence that, in fact, Sh. Raj Kumar is uncle of Sh. Rohit Kumar and Sh. Joginder Kumar is also sometimes called Sh. Raj Kumar. When the defendant appeared in evidence, he admitted that the person present in the Court by his side is known as Rohit Kumar Behl @ Rohit Kumar @ Rohit Behl. Thus, it is obvious that the identity of the plaintiff, who has filed the suit, is not in dispute particularly when the defendant has admitted that the agreement to sell was entered into by the plaintiff. It is also proved on file that the defendants received various payments in cash as well as through pay orders. The defendants have not led any evidence to prove that a different person with the name of Sh. Rohit Kumar son of Sh. Raj Kumar has entered into the agreement to sell.

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

Dismissed.

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

September 06, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*