

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

**RSA-966 of 2014 (O&M)  
Date of decision: 05.09.2022**

**Jagjit Singh**

**..Appellant**

**Versus**

**Baljit Singh and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Ms. Sonia G.Singh, Advocate  
for the appellant.

None for the respondents.

**ANIL KSHETARPAL, J(Oral)**

While assailing the concurrent findings of fact arrived at by the Courts below, the plaintiff has filed the present appeal.

In a suit filed by the plaintiff (the appellant) for specific performance of the agreement to sell dated 22.11.2001, the courts have granted an alternative relief of refund of the earnest money along with interest.

The alleged agreement to sell was executed by Sh. Baljit Singh and Smt. Satya widow of Sh. Baldev Singh. As per the agreement to sell, the sale deed was to be executed within a period of 6 months from the date on which the property is entered in the name of the defendants. Subsequently, it is stated that the date of execution of the sale deed was extended. It has come on record that on the death of Sh. Baldev Singh, various Class-I heirs inherited the property in accordance with their shares who were not signatory to the aforesaid agreement to sell. The Court further found that the shares of Smt. Satya and her children are also not clear. Further the number of Class-I heirs left behind by late Sh. Baldev Singh is also not clear.

The agreement to sell was never signed by Late Sh. Swaran Singh, however, he is said to have signed the deed of extension

Keeping in view the aforesaid facts, the courts have granted only an alternative relief because the defendants never chose to contest the suit.

This Bench has heard the learned counsel representing the appellant at length and with her able assistance perused the paper book.

She submits that once the agreement to sell is proved, the decree for specific performance of the agreement to sell should have been granted. On a careful reading of the judgment passed by the First Appellate Court, it is evident that the lower courts while passing the judgment have recorded various reasons including the reasons noticed above. Both the courts have exercised their discretion in the facts and circumstances of the present case.

In absence of any perversity or material error in the said judgments, this court does not find it appropriate to interfere.

Dismissed.

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

**September 05, 2022**

*nt*

**(ANIL KSHETARPAL)**  
**JUDGE**

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