

2024:PHHC:012469

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

RSA-2730-2023 (O&M)
Date of decision: 30.01.2024

Rati Ram

....Appellant

Versus

Kuldeep and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Alok Mittal, Advocate for the appellant
Mr. Babbar Bhan, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. In this Regular Second Appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below, while dismissing his suit for the specific performance of the agreement to sell and for setting aside the various sale deeds executed by defendant no.1 in favour of defendant no.2 to 5. It has come on record that the plaintiff is defendant no.1's uncle and defendant no.1 sold 6 kanals 18 marlas land in favour of the plaintiff's wife in the year 2010. It is the case of the defendant that the plaintiff obtained his signatures and thumb impression on the ground that a correction deed of the previous sale deed is executed in the year 2010 in favour of his wife is required to be executed. Both the courts, on appreciation of evidence, have found that the payment of the earnest money is doubtful. The names of both the attesting witnesses have been changed after making corrections and defendant no.1 was not the owner of the 24 kanals 24 marlas land on the date of agreement to sell.

It has further been found that the agreement to sell is result of manipulation.

2. Though, the learned counsel representing the appellant made sincere attempt, however, failed to draw the attention of the Court to any substantive mis-reading, non-reading or perversity in the judgments passed by the courts below.

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

4. Hence, dismissed accordingly.

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

30.01.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE