

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

2025:PHHC:046528



(211)

**RSA-1809-2000 (O&M)
Decided on : 04.04.2025**

Ranjeet & others

.....Appellants

Versus

Lachhi & others

.....Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Kul Bhushan Sharma, Advocate, for the appellants.

Mr.Sudhir Aggarwal, Advocate
for LR's of deceased-respondent No.6.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiffs assailed the correctness of the concurrent findings arrived at by the Courts below while granting alternative relief of recovery of earnest money in place of relief of specific performance.
2. It has come on record that defendants No.1 to 3 entered into an Agreement To Sell in favour of plaintiffs on 25.04.1988 on receipt of Rs.30,000/- as earnest money. In fact, the property was already mortgaged with the plaintiffs. Subsequently, some part of the property agreed to be sold was mortgaged with the plaintiffs on 12.05.1988. As per the Agreement To Sell, the sale deed was to be executed and registered on 15.05.1988. The plaintiffs filed the suit on 02.05.1991 i.e. after a delay of 35 months and 11 days.

3. There was earlier Agreement To Sell executed by defendants No.1 to 3 in favour of Smt.Satwanti in the year 1982 with respect to the suit property. Smt.Satwanti filed a suit for specific performance to sell in the year 1986 which was dismissed as withdrawn because the parties entered into settlement. Pursuant thereto, the sale deed was registered by defendants No.1 to 3 in favour of defendants No.4 to 6 on 18.07.1988. Defendants No.4 to 6 filed an application for redemption of mortgage which was allowed in the year 1991. Thereafter, the plaintiffs filed a suit for declaration challenging redemption of mortgage. The suit for specific performance was filed thereafter.

4. It is evident that the plaintiffs failed to take appropriate steps at appropriate moment. Learned counsel representing the appellants was time and again requested to explain the reasons for delay. Though he made sincere efforts, however, he failed to give any specific explanation. Moreover, at the relevant time, the relief of specific performance was a discretionary relief. Both the Courts below have exercised their discretion which is not shown to be perverse or arbitrarily exercised. Hence, no ground is made out to interfere in the same.

5. Consequently, in view of the above, the present appeal is dismissed.

April 4, 2025
sailsh

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No