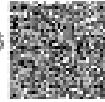


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

116

2025.PHHC:017086



**RSA-3639-2019 (O&M)
Date of decision: 05.02.2025**

ANAND TEXTILES

..Appellant

Versus

FATEH SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shubham Mehta, Advocate
for the appellant.

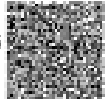
ANIL KSHETARPAL, J(Oral)

1. The plaintiff assails the correctness of concurrent findings of fact arrived at by the Courts below while dismissing his suit for grant of separate possession by way of specific performance of agreement to sell dated 08.07.2003. It has been found by both the Courts below that the agreement to sell has been interpolated by erasing/cutting various words. There are multiple inconsistencies in the agreement, which make it doubtful.

2. On behalf of the plaintiff, the agreement to sell has been signed on 28.06.2003, whereas, the agreement to sell is stated to be executed on 08.07.2003. Moreover, one of the marginal witness Sh. Shamsher Singh is alleged to have signed the agreement, however, when he appeared in evidence, he disclosed his name as Nirmal Singh. The plaintiff has not proved that Sh. Shamsher Singh is also known as Nirmal Singh. Moreover, it is the case of the defendant that he borrowed Rs.1,00,000/- as personal loan.

3. Additionally, the alleged amount of earnest money of Rs.1,00,000/- was paid through two cheques dated 21.06.2003 (Rs.50,000/-) and 12.07.2003 (Rs.50,000/-). The first cheque dated 21.06.2003 was

encashed on 30.06.2003 i.e. much before 08.07.2003, whereas,



representative of plaintiff firm signed the agreement on 28.06.2003. Similarly, it is not the case of the plaintiff that remaining amount of Rs.50,000/- was paid through a post dated cheque.

4. Though, learned counsel representing the appellant made sincere attempt, however, failed to satisfactorily explain the aforesaid inconsistencies, which have resulted in dismissal of his suit.

5. Hence, no ground to interfere is made out.

6. Dismissed accordingly.

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

February 05th, 2025

Ay

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*