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

CRWP-4817-2025

Date of Decision: 12.05.2025

Makhan Singh

....Petitioner

Versus

State of Punjab and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUKHVINDER KAUR

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

SUKHVINDER KAUR, J. (Oral)

Learned counsel for the petitioner has contended that the petitioner filed a suit seeking possession as owner by specific performance of contract of sale dated 03.12.2008 executed by respondent No.5 in his favour in respect of land which is subject matter of said suit on payment of Rs.82,72,500/- and in the alternative, petitioner had sought recovery of Rs.81,25,000/- i.e. Rs.50,00,000/- already paid as earnest money and Rs.21,25,000/- as interest calculated @ 12% per annum from 03.12.2008 along with future interest. The said suit was dismissed by the Court of Ld. SDJM, Baghapurana and appeal was filed before Ld. Additional District Judge, Moga, which partly succeeded and the alternate relief regarding recovery of earnest money along with interest was granted. Thereafter petitioner filed an execution application, whereby warrant of attachment of property of respondent No.5 was issued vide order dated 25.01.2025. He further contended that thereafter respondent No.5 filed a regular second



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appeal bearing RSA No.517 of 2024 in which vide order dated 09.04.2024 notice of motion was issued and executing Court was directed to adjourn the case beyond the date fixed in the said RSA. He argued that now respondent No.5 started doing illegal mining in the suit property and when he stopped him from doing so, he started quarreling with him and threatened him of dire consequences.

During the course of arguments, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to avail efficacious alternative legal remedy available to the petitioner.

Dismissed as withdrawn with liberty aforesaid.

May 12, 2025
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(SUKHVINDER KAUR)
JUDGE

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