



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

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RSA-5106-2012 (O&M)

Date of decision : 27.11.2025

Chander Singh

..... Appellant

versus

Mahabir and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikram Singh, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Plaintiff is in second appeal aggrieved of the judgment and decree passed by the Courts below.
2. Plaintiff filed suit for specific performance of agreement to sell dated 19.07.2002. Agreement to sell is a registered document. As per the plaintiff, defendant agreed to sell the suit property in his favour for Rs.5 lakhs and received Rs. 4 lakhs as earnest money. The due date fixed for execution of sale deed was 20.05.2003 which was later on extended to 18.06.2003 after the defendant received an amount of Rs.20,000/- on 20.05.2003.
2. The Courts below non-suited the plaintiff holding that the payment of earnest money could not be proved.
3. Plaintiff claims to have paid an amount of Rs.4 lakhs as earnest money before Sub-Registrar, Safidon. There is the statutory endorsement which has presumption of truth attached thereto. As per the same, no amount was paid before the Sub-Registrar. The scribe also



testified that no amount was paid before him. Since the appellant failed to prove consideration as claimed, Courts below conclusively held that the plaintiff was not entitled for decree of specific performance.

3. Counsel for the appellant has not been able to point out any infirmity in the judgment and decree passed by the Courts below or any piece of evidence that escaped the consideration of the Courts or has been misread by the Courts below which could constitute question of law.

4. In view of above, finding no reason to disturb concurrent finding of fact recorded by the Courts below, the present appeal is ordered to be dismissed.

5. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

27.11.2025

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No