



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

RSA-425 of 2020 (O&M)

Date of Order:22.01.2025

Laxmi Devi

.Appellant

Versus

Surender Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: **Mr. Rajesh Punj, Advocate**
 Mr. Sarvesh Rattan, Advocate
 Mr. Sahaj Punj, Advocate
 Ms. Manvi Singla, Advocate
 for the appellant.

ANIL KSHETARPAL, JUDGE (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 her suit for possession by way of specific performance on the basis of an oral agreement to sell, declaration and permanent injunction.

2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.

3. Defendants no.1-Surender Kumar and Sh. Suresh Kumar were joint owners of land measuring 598 Sq. Yds. which was alledgedly orally agreed to be sold to the plaintiff @ 2000/- per Sq. Yds.. Certain payments were paid by the plaintiff to the defendants and the sale deed of 299 Sq. Yds. was executed in favour of the plaintiff on 16.04.2010. On 03.07.2013, the plaintiff filed the present suit claiming that the remaining part of the sale deed has not been executed by the defendants.

4. The plaintiff has claimed oral agreement to sell in his favour,



however, he has miserably failed to prove the same. The oral evidence led by the plaintiff was not found reliable by both the courts below.

5. In absence of documentary evidence to prove the agreement to sell with respect to the remaining part of the land/plot, this court in exercise of second appellate court's jurisdiction is not expected to interfere.

6. The learned counsel representing the appellant submits that he can only pray for re-appreciation of oral evidence.

7. This court has considered the submissions, however, the scope of interference in Regular Second Appeal is limited. In absence of material irregularity in reading of the evidence or perversity in the impugned concurrent judgments passed by the courts below, the interference in second appeal is not advisable.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 22, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No