

2025:PHHC:069438



230-u IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2100-2025 (O&M)
Decided on:-20.05.2025

Ranjit Singh BoparaiPetitioner..

vs.

Satish Kumar Saini (since deceased) thr. LR.Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manish Joshi, Advocate
for the petitioner.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition filed under Article 227 of the Constitution of India, prayer has been made for issuance of direction to the First Appellate Court to decide Civil Appeal, titled as “*Satish Kumar Saini vs. Ranjit Singh Boparai*” filed at the instance of respondent and the cross objections filed by the petitioner; in a time bound manner.

2. In the present case, respondent-plaintiff filed a suit for possession by way of specific performance of an agreement to sell dated 09.05.2012 in respect of 50% share of Plot No.118-P, H. No.1246, Sector 8-C, Chandigarh measuring 444 sq. yards (RP 857), against the petitioner-defendant and in the alternative prayed for recovery of Rs.1 crore as damages and further for declaration that letter dated 21.11.2012 rescinding the contract was illegal/invalid.

2.1 It was also pleaded that petitioner is a NRI and owner of 50%

share of house in dispute, remaining 50% share was owned by Ms. Kratma Saini, daughter of the respondent. It was pleaded that the petitioner offered to sell his 50% share to the respondent and entered into an agreement to sell dated 09.05.2012 and the sale price was settled at Rs.2.50 crores; in terms of the agreement, respondent paid a sum of Rs.50 lacs as earnest money. It was further alleged that the possession of the house was with respondent being father of Ms.Kratma Saini and he was authorized to continue to be in possession and to make renovation and construction. It was also alleged that all of a sudden, the respondent received a legal notice from the petitioner for rescinding the contract/agreement to sell dated 09.05.2012 and forfeiting the earnest money of Rs.50 lacs. Hence, the present suit.

3. Upon notice, petitioner-defendant appeared and filed written statement while submitting that suit is not maintainable. It was also pleaded that the respondent has not come to the Court with clean hands and has concealed material facts. It was pleaded that the respondent was not ready and willing to perform his part of the contract.

4. The trial Court after considering rival contentions of both the parties dismissed the suit, vide its judgment and decree dated 06.01.2023. Aggrieved against the said judgment and decree, the respondent-plaintiff preferred an appeal, which is pending adjudication.

5. Learned counsel for the petitioner submits that the civil appeal is pending for the last two years; the petitioner, who happened to be 72 years of age, is suffering from various age related ailments and has apprehension that the respondent may usurp his share by lingering on the present matter for one reason or the other, thus, he prays for issuance of direction to the Appellate Court to decide the same expeditiously within a time bound

manner.

6. I have heard learned counsel for the petitioner and gone through the paper book.

7. Perusal of file shows that the civil appeal filed on behalf of the respondent is pending for the last two years and the petitioner is about 72 years of age and has faced the hardship of trial for 11 years.

8. Considering the aforesaid facts, the Appellate Court is requested to adjudicate upon the Civil Appeal as expeditiously as possible and preferably within three months from today.

9. Keeping in view the aforesaid circumstances, the present petition is disposed of without issuing notice to the respondent, as the same would further delay the disposal of civil appeal, besides burdening him with unnecessary costs of litigation.

10. It is made clear that nothing stated herein-above shall be construed as an expression of opinion on the merits of the first appeal.

11. Pending application, if any, stands disposed of.

20.05.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/ No