

2025:PHHC:067107



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

**RSA-740-2022 (O&M)  
Reserved on : 21.04.2025  
Pronounced on : 20.05.2025**

SURESH CHAND AND ANR. ....Appellants

VERSUS

MODEL ECONOMIC TOWNSHIP LTD. AND ANR. ....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sidhant Bhonsle, Advocate and  
Mr. Abhilaksh Grover, Advocate for the appellants.

**ALKA SARIN, J.**

1. The present regular second appeal has been preferred by the plaintiff-appellants challenging the concurrent findings returned by the Trial Court vide judgment and decree dated 28.02.2018 and by the First Appellate Court vide judgment and decree dated 12.12.2019.

2. Brief facts relevant to the present *lis* are that the plaintiff-appellants herein claimed themselves to be absolute owners in possession of agricultural land. The plaintiff-appellant No.1 was stated to be owner of agricultural land measuring 129K-3M situated within the Revenue Estate of Village Sultanpur, Tehsil Farrukhnagar, District Gurugram as fully described in the plaint out of which he had 5/9<sup>th</sup> share equivalent to 71K-15M out of which he sold his share equivalent to 43K-14M to defendant-respondent No.1.

3. The plaintiff-appellant No.2 was also owner in possession of agricultural land measuring 22K-16M situated within the Revenue Estate of

Village Sultanpur, Tehsil Farrukhnagar, District Gurugram as fully described in the plaint. He also was stated to have sold 22K-16M to defendant-respondent No.1. The case set up by the plaintiff-appellants was that defendant-respondent No.1 with the permission of defendant-respondent No.2 advertised a scheme in which they made an offer to various landowners to sell their land below the market price for setting up a "SEZ". It was also settled that the sellers would be entitled to an annual royalty/payment. On the assurance of defendant-respondent No.1, the plaintiff-appellants sold their suit property vide two separate sale deeds of even date dated 18.07.2007 for sale consideration of ₹1,20,17,500/- and ₹62,70,000/-. It was further the case set up that after the execution of the sale deed, defendant-respondent No.1 failed to utilize the land for the purpose for which it was acquired and failed to make the annual payments and hence the plaintiff-appellants have been deprived of their land due to unauthorized and illegal act of the defendant-respondents and hence were entitled to get back their land.

4. On notice, defendant-respondent No.1 appeared and filed its written statement raising various preliminary objections qua maintainability, cause of action, *locus standi*, non-joinder and mis-joinder of necessary parties. It was averred in the written statement that it was an out-right purchase of the suit properties and that the plaintiff-appellants have sold their land voluntarily and after the execution of the sale deeds, defendant-respondent No.1 had become absolute owner of the same. It was further denied that defendant-respondent No.1 had any statutory obligation to pay any royalty for the suit properties purchased through private transactions. It was further the defence

set up that the properties had been purchased at a higher value than the prevalent market rate. Defendant-respondent No.2 adopted the written statement filed by defendant-respondent No.1.

5. On the basis of the pleading of the parties the following issues were framed :

1. Whether the plaintiffs are entitled to a decree for mandatory injunction as prayed ? OPP

1(i) Whether the plaintiffs have not affixed proper Court fee ? OPD

2. Whether the present suit is not maintainable ? OPD

3. Whether the plaintiff has no cause of action and no *locus standi* to file the present suit ? OPD

4. Whether the plaintiff is estopped from filing the present suit by his own acts, conduct, acquiescence, laches and own omissions and admission from filing the present suit ? OPD

5. Whether the plaintiff has not come to the Court with clean hands and has suppressed the true and material facts from the Court ? OPD

6. Relief.

6. The Trial Court on the basis of the pleadings and evidence dismissed the suit vide judgment and decree dated 28.02.2018. Aggrieved by the same an appeal was preferred before the First Appellate Court by the

plaintiff-appellants which appeal was also dismissed vide judgment and decree dated 12.12.2019. Hence, the present regular second appeal by the plaintiff-appellants. Along with the present appeal an application under Order 41 Rule 27 CPC for additional evidence has been filed.

7. The learned counsel for the plaintiff-appellants would contend that the land had been sold on the assurance that a “SEZ” would be set up and that the owners i.e. the plaintiff-appellants would be entitled to annual royalty/payment. It is further the contention that the payment was also much lower than the market rate. Though an application (CM-2202-C-2022) under Order 41 Rule 27 CPC has been filed for additional evidence, however, no reference had been made by the learned counsel to the documents now sought to be produced as additional evidence.

8. I have heard the learned counsel for the plaintiff-appellants.

9. In the present case both the Courts concurrently found that there was not an iota of evidence to even remotely suggest that there was any scheme under which any assurance was given that the land purchased by the defendant-respondent No.1, if not utilized for the purpose, would revert back to the owners. It was also concurrently found that no evidence was led by the plaintiff-appellants to show that any royalty or payment was to be made to the owners. Both the sale deeds (Ex.P-1 and Ex.P-2) did not refer to any such clause and are out-right sales in favour of defendant-respondent No.1.

10. Though no reference was made by the learned counsel to the additional evidence sought to be led before this Court, however, a perusal of the same reveals that Annexure A-1 appended with the application is a Stand-

alone Independent Auditor's Report and Annexure A-2 is a notification pertaining to Revision of Minimum Floor Rates and the Policy for Rehabilitation and Resettlement of Landowners – Land Acquisition Outsees. Since the learned counsel has not referred to the said documents, this Court is left with no other option but to revert to the averments made in the application for additional evidence. In the application, there is no averment as to how both the said documents are even remotely related to the dispute in hand. The application for additional evidence (CM-2202-C-2022) is accordingly dismissed.

11. There is no evidence whatsoever to even remotely suggest that the land was acquired by the State. From the sale deeds (Ex.P1 and Ex.P-2) it is apparent that the sale was an out-right sale without any condition. In view of the above, the arguments raised by the learned counsel for the plaintiff-appellants cannot be accepted. In the face of the findings returned by both the Courts concerned, there is no scope for interference by this Court. No credible and reliable evidence has been highlighted by the learned counsel for the plaintiff-appellants for this Court to take a contrary view from the one taken by both the Courts concerned. In view thereof, no fault can be found with the impugned judgments and decrees passed by both the Courts concerned. No other point was argued.

12. In view of the above, I do not find any merit in the present regular second appeal. No question of law, much less any substantial question of law, arises in the present case which requires determination by this Court. The

appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

**20.05.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE :           Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*