



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RSA No.788 of 2024 (O&M)  
Date of Order:06.05.2025

**Raj Kumar**

**.Appellant**

**Versus**

**Boota Ram**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Ram Kumar Saini, Advocate  
for the appellant.**

**ANIL KSHETARPAL, JUDGE (Oral)**

1. The plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for specific performance with consequential relief of permanent injunction.
2. Boota Ram, is alleged to have entered into an agreement to sell in favour of the plaintiff on 01.11.2011, with respect to residential property consisting of two plots on payment of earnest money of Rs.2,00,000/- while agreeing to execute the sale deed on or before 30.04.2011. The plaintiff in turn claims that he further agreed to sell the property on 17.02.2012, in favour of Ram Karan.
3. The defendant contested the suit while asserting that the agreement to sell was an act of fraud and misrepresentation and the plaintiff was never ready and willing to perform his part of the contract.
4. Upon appreciation of the evidence, both the courts concluded that the plaintiff was never ready and he did not have wherewithal either to pay the earnest money or balance sale consideration. It has also come on record that there are two copies of the agreement to sell, one produced by the



plaintiff, whereas the second produced by the defendants. In the copy produced by the defendant, the signatures of the marginal witnesses are missing. Thus, the courts have found that the genuineness of the agreement to sell also becomes doubtful.

5. Additionally there is delay of nearly 19 months in filing the suit. As per the alleged agreement to sell, the sale deed was to be executed on or before 30.04.2011, whereas the suit was filed on 06.03.2013. The learned counsel representing the appellant has been requested to explain the delay, however, he failed to furnish any plausible explanation.

7. Keeping in view the aforesaid discussions, this court does not find it appropriate to interfere with the concurrent findings of fact arrived at by the courts below.

8. Dismissed

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

**(ANIL KSHETARPAL)**  
**JUDGE**

**May 06, 2025**  
**nt**

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