



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

RSA-3920-2014 (O&M)

Date of decision : 18.01.2025

Gagan Inder Singh and another

...Appellants

Vs.

Jagir Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Angad Parmar, Advocate for
Mr. Vivek K. Thakur, Advocate
for the appellants.

ANIL KSHETARPAL, J. (Oral)

1. In this regular second appeal, the correctness of concurrent findings of fact arrived at by the Courts below is assailed by the defendant. The plaintiffs suit for possession by way of specific performance of the agreement to sell with respect to plot measuring 4 biswas has been decreed by both the Courts below after coming to conclusion that the plaintiff has proved the execution of the written agreement to sell dated 05.04.2001, which was signed on each page of the defendant. The defendant contested the suit on the ground that she never entered into an agreement to sell and it was a result of fraud and misrepresentation. In order to prove the case, the plaintiff appeared as PW-1 and examined Sh. Satnam Singh, marginal witness as PW-2, Sh. Suresh Chand Mehta, scribe as PW-3. Defendant herself appeared in evidence.

2. Both the Courts have held that the defendant has failed to give particulars of fraud and did not specifically deny her signatures on each page of the agreement to sell.

3. Heard the learned counsel representing the appellants at length and with his able assistance perused the judgments passed by the Courts below.

4. Learned counsel representing the appellants submits that plaintiff failed to prove his source of income to pay Rs. 65,000/-. He submits that the plaintiff is working as Motor Mechanic and hence, he is not aware of the detail, how he paid the amount.

5. This Court has considered the submissions made by the learned counsel representing the appellants.

6. The payment of Rs. 65,000/- as earnest money is acknowledged by written agreement to sell, which is signed by the defendant.

7. As already noticed, only the defendant herself has appeared in the evidence but she did not produce any of other evidence. Moreover, when plaintiff appeared in evidence, defendant's counsel failed to impeach his credibility.

8. Hence, no ground to interfere is made out.

9. The appeal is dismissed.

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

18.01.2025

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No