

RSA No. 594 of 2019 & COST No.19856 of 2020

10.09.2020

Present: Mr.Sanjeev Kuthiala, Senior Advocate with Ms.Garima Kuthiala, Advocate, for the appellants-non-Cross Objectors, through Video Conferencing.

Mr. Romesh Verma, Advocate, for respondent No.1-Cross Objector, through Video Conferencing.

None for respondent No.2.

RSA No.594 of 2019

Heard.

Admitted on following substantial questions of law:-

1. Whether findings, under challenge, are vitiated by misreading, misinterpretation and misconstruction of pleadings of parties as well as evidence on record, oral and documentary, resulting into perversity on that count?
2. Whether the judgment of the First Appellate Court is contrary to the pronouncement of the Apex Court in *Santosh Hazari v.Purushottam Tiwari (Deceased) By Lrs., (2001) 3 SCC 179* and also to the pronouncement of this Court in RSA No.9 of 2019?
3. Whether in absence of proof of execution of alleged agreement and supplementary agreement to sell discretionary relief of specific performance could be granted, and relief in the alternative of refund of the alleged earnest money was sustainable?

List for hearing in due course.

CMP No. 15306 of 2019 in RSA No.594 of 2019

Subject to deposit of entire decretal amount alongwith up-to-date interest in the Registry of this Court within eight weeks from today, order dated 23.12.2019, passed in this application, is made absolute during pendency of the appeal.

Application stands disposed of.

CMP(M) No. 354 of 2020 in COST No.19856/2020

For the reasons stated in the application and considering submissions of learned counsel for the parties, delay in filing Cross Objections is condoned. Cross Objections be registered.

Application stands disposed of.

Cross Objections No. _____/2020(COST No.19856/2020

Admitted on following substantial question of law:-

1. Whether the Lower Appellate Court has erred by not granting relief of specific performance of agreements dated 20.11.2009 and 18.05.2010 keeping in view the clear cut admission as made by the non-cross objector?

List for hearing alongwith main appeal.

(Vivek Singh Thakur)
Judge

September 10, 2020
(Purohit)