

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 6949 OF 1999

Harvinder Singh & Ors.

Appellant (s)

Versus

Pritam Kaur & Ors.

Respondent (s)

(With office report)

Date: 05/05/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s) Mr. Neeraj Kr.Jain, Adv.
Mr. Bharat Singh, Adv.
Mr. Ugra Shankar Prasad, Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Kuldip Singh, Adv.
Mr. H.S. Sandhu, Adv.

For R-1 Ms. Kiran Suri, Adv.
Mr. Y.P. Dhingra, Adv.

Mr. Chander Shekhar Ashri, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order with no order as to costs.

(J.S. Rawat)

(Kanwal Singh)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6949 OF 1999

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O R D E R

Dayal Kaur and Pritam Kaur two sisters were the owners of 26 kanals and 4 marlas of land comprised in Kh. Nos. 331 to 333 and 295 situated in Village Raheli, Tehsil Garhshankar, District Hoshirapur (Punjab) [hereinafter referred to as "the suit property"]. Plaintiffs-appellants (hereinafter called "the appellants") filed a suit for specific performance against Pritam Kaur alleging therein that Dayal Kaur and Pritam Kaur had entered into an oral agreement of sale with them on 2nd of January, 1990 to sell the suit property for a total sale consideration of Rs.50,000/-. Sale Deed was to be executed on or before 11th of January, 1990. The entire sale consideration was to be paid at the time of the execution of the sale deed. Dayal Kaur executed the Sale Deed in respect of half portion of the suit property in favour of the appellants but Pritam Kaur did not come present to execute the Sale Deed. Pritam Kaur sold the suit property in favour of Defendant Nos. 2-5, the respondents herein, for a sum of Rs.30,000/-.

The appellants filed a suit for specific performance, which was

decreed by the trial court. In appeal, the judgment and decree passed by the trial court were reversed and the suit was dismissed. The first Appellate Court came to the conclusion that the appellants had failed to prove the oral agreement of sale.

The appellants being aggrieved, filed the second appeal in the High Court of Punjab & Haryana at Chandigarh.

The learned Single Judge dismissed the second appeal by observing that the finding recorded by the first Appellate Court was of fact and a substantial question of law did not arise from the findings recorded by the first Appellate Court.

Aggrieved against the dismissal of the second appeal by the High Court, the present appeal by special leave is before us.

Counsel for the parties have been heard.

We agree with the view taken by the High Court that the findings recorded by the first Appellate Court were of fact which do not call for any interference in second appeal. Thus, there is no merit in this appeal. It is dismissed accordingly. However, there shall be no order as to costs.

.....J.
(ASHOK BHAN)

New Delhi;J.
May 05, 2005. (A.K. MATHUR)