

ITEM NO.35

COURT NO.4

SECTION IVB

S U P R E M E            C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14738/2011

(From the judgement and order dated 02/02/2011 in                    RSA No.  
1068/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RANI &amp; ORS.

Petitioner(s)

V E R S U S

JAIMAL CHAND

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for  
interim relief)

Date: 23/05/2011            This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD  
(VACATION BENCH)

For Petitioner(s)            Mr.A.T.M.Rangaramanujam, Sr. Adv.  
   Mr.Tarun Shokeen, Adv.  
   Mr. Janesh Singh, Adv.

For Respondent(s)

U P O N   h e a r i n g   c o u n s e l   t h e   C o u r t   m a d e   t h e   f o l l o w i n g  
O R D E R

This petition is directed against order dated 2.2.2011  
passed by the learned Single Judge of the Punjab & Haryana whereby  
he declined to entertain the second appeal filed by the petitioners  
in a suit for specific performance instituted by the respondent.

The trial Court had dismissed the suit filed by the  
respondent by believing the case of the defendant (predecessor of  
the petitioners) that the plaintiff-respondent had agreed for  
execution of other sale deeds in favour of his nephews and one

2

Swaran Kaur.            The lower appellate Court, on independent evaluation  
of the facts and analysis of the evidence produced by the parties,  
recorded a finding that the plaintiff-respondent has been able to  
prove the execution of the agreement for sale, his readiness and  
willingness to perform his part of the contract and availability of  
funds and further that the defendant has failed to prove that the  
amount of Rs.90,000/- paid by the plaintiff-respondent had been

adjusted in the sale deeds executed in favour of his nephews and one Swaran Kaur.

The learned Single Judge opined that the findings recorded by the lower appellate Court are pure findings of fact based on correct appreciation of evidence and no substantial question of law arises for consideration by the High Court.

We have heard Shri A.T.M.Rangaramanujam, learned senior counsel appearing for the petitioners and carefully perused the record.

In our view, the findings recorded by the lower appellate Court, which is the final court of fact, are based on correct analysis and appreciation of the pleadings and evidence of the parties and the High Court rightly refused to entertain the second appeal.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master