

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

Petition(s) for Special Leave to Appeal (Civil) No(s).21178/2011

(From the judgement and order dated 28/02/2011 in RFA No.507/2001 of The HIGH COURT OF DELHI AT N. DELHI)

KAMAL KUMAR

Petitioner(s)

VERSUS

AMRITA SINGH AND ORS

Respondent(s)

(With appln(s) for permission to place addl. documents on record and with prayer for interim relief and office report)

Date: 06/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr.Sandeep Sethi, Sr.Adv.  
Mr.Atul Batra, Adv.  
Ms. Praveena Gautam, Adv.

For Respondent(s) Mr.Shyam Divan, Sr.Adv.  
Ms.Anjana Gosain, Adv.  
Mr. Sanjay Sharawat, Adv.

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

This petition is directed against judgment dated 28.02.2011 of the learned Single Judge of the Delhi High Court whereby he dismissed the appeal filed by the petitioner and upheld the judgment and decree passed by the trial Court negating his prayer for specific performance of agreement dated 5.1.1984 vide which Brigadier Harpal Singh (predecessor of the respondents) is said to have agreed to sell Flat No.122, SFS, DDA, East of Kailash for a sum of Rs.1,05,000/-.

We have heard Shri Sandeep Sethi, learned senior counsel appearing on behalf of the petitioner and Shri Shyam Divan, learned senior counsel appearing on behalf of the respondents and carefully perused the record.

In our view, the concurrent finding recorded by the trial Court and the learned Single Judge of the High Court that the petitioner had failed to prove the execution of the agreement for sale and the payment of Rs.1,05,000/- is based on correct analysis of the pleadings and evaluation of the evidence produced by the parties and the judgment under challenge does not suffer from any legal error warranting interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master