

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[113]

RSA No.3377 of 2015 (O&M)

Date of Decision: 19.11.2015.

Maninder Bir Singh

...Appellant

Versus

Veena Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Amrainder Singh, Advocate,
for the appellant.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J.(ORAL)

Impugned in the present Regular Second Appeal is the judgment and decree dated 17.10.2014, passed by learned Additional District Judge, Ambala affirming the judgment and decree dated 10.09.2012, passed by learned Civil Judge, Senior Division, Ambala, whereby the suit of the plaintiff for specific performance of the agreement to sell dated 28.12.2005 was decreed.

I have heard learned counsel for the appellant and have also carefully gone through the file.

It comes out that the defendant being the property dealer carved out certain plots. He agreed to sell one Plot No.29 measuring

39 x 66 ft. at Heera Nagar Colony, Ghel Road, Ambala City to the plaintiff. He did not execute the sale deed in terms of the agreement. In the written statement, defendant denied the execution of the agreement. Both the Courts below have found that the agreement was executed and accordingly, the impugned judgment and decree was passed.

Learned counsel for the appellant has argued that in the agreement, the description of property is not given and it is merely mentioned as plot No.29. Therefore, specific performance could not be ordered. Secondly, the plaintiff has prayed for alternative relief and alternative relief should be allowed.

I am of the view that the defendant is alleged to have carved out a colony, wherein the numbers are given to the plot. Plaintiff has given description of the plot along with the khasra number. The same was never disputed in the written statement. No plea was raised that the description of the disputed property is vague. Therefore, the plea cannot be allowed to be raised in the Regular Second Appeal. Secondly, when the plaintiff is found to be entitled the primary relief, there is no question to grant the secondary alternative relief. No substantial question of law arises.

Hence, the present appeal stands dismissed.

November 19, 2015

Ankur

**(KULDIP SINGH)
JUDGE**