

ITEM NO.26

COURT NO.6

SECTION IVB

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).563/2012

(From the judgement and order dated 28/04/2011 in RSA No.1697/1986 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JAI PAUL AND ORS

Petitioner(s)

VERSUS

AMAR SINGH

Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 835 of 2012

(With appln(s) for exemption from filing OT and with prayer for interim relief and office report)

Date: 20/01/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Ranbir Singh Yadav, Adv.

For Respondent(s)

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

In these petitions, the petitioners have questioned the judgment of the learned Single Judge of the Punjab and Haryana High Court, whereby he dismissed R.S.A. No.1697 of 1986 and R.S.A. No.1696 of 1986 and upheld the concurrent judgments and decrees passed by the trial Court and the lower appellate Court in the suits filed by the petitioners for specific performance of agreements dated 28.05.1980 and 18.12.1979.

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We have heard learned counsel for the petitioners and carefully perused the record.

The trial court analyzed the pleadings of the parties, evaluated the evidence produced by them and dismissed the suit by observing that the petitioners have neither pleaded nor proved their readiness and willingness

to perform their part of the agreement. The lower appellate Court referred to Section 16(c) of the Specific Relief Act, 1963 and held that in the absence of any evidence to show that the petitioners' were ready and willing to perform their part of the contract, the suits for specific performance could not be decreed.

The learned Single Judge of the High Court referred to the evidence produced by the parties and held that the concurrent finding recorded by the two courts on the issue of non-compliance of Section 16(c) of the Specific Relief Act, 1963 does not suffer from any legal infirmity.

In our view, the finding recorded by the trial Court and the lower appellate Court on the issue of compliance of Section 16(c) was a pure finding of fact based on correct analysis of the pleadings of the parties and evidence produced by them and the learned Single Judge of the High Court did not commit any error by refusing to interfere with the same.

The special leave petitions are accordingly dismissed.

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(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master