THE HIGH COURT OF MADHYA PRADESH
SA No. 70/2014
Prem Narain vs. State of MP and Anr.

Gwalior, dtd. 22/01/2019

Shri K.N. Gupta, Senior Counsel with Shri Kumar Gaurav Sharma, counsel for the appellant.

Shri N.K.Gupta, Senior Counsel with Shri F.A.Shah, counsel for the respondent No.2.

This Second Appeal under Section 100 of CPC has been filed against the judgment and decree dated 06/01/2014 passed by Additional Judge to the Court of Additional District Judge, Sironj, District Vidisha in Civil Appeal No.32-A/2013, thereby affirming the judgment and decree dated 24/01/2013 passed by Civil Judge, Class-I, Sironj, District Vidisha in Civil Suit No.27-A/2012, by which the suit filed by the respondent No.2 for specific performance of contract was decreed.

The necessary facts for the disposal of the present appeal in short are that the respondent No.2 filed a suit against the appellant on the pleadings that on 02/06/2010, the appellant had entered into an agreement to sell the disputed land, bearing survey no.215/1, area 0.759 hectare for a consideration of Rs.3 lac and out of which, an amount of Rs.2 lac was paid on the date of execution of agreement to sell and it was agreed that the sale deed shall be executed by 30th April, 2011. Thereafter, the respondent No.2 made verbal request to

the appellant to execute the sale deed on various occasions prior to 30th April, 2011 but the appellant did not execute the sale deed and accordingly, the respondent No.2 issued a written notice to the appellant on 11/05/2011 to execute the sale deed after receiving the remaining amount of Rs.1 lac. The notice was sent by registered post, however, the appellant refused to accept the same. Accordingly, the suit was filed for specific performance of contract as well as for possession.

The appellant filed his written statement and submitted that he had never executed an agreement of sale in favour of the respondent No.2. The boundaries mentioned in the agreement are also incorrect. In additional pleadings, it was stated by the appellant that one Raghunath Singh, whose mother was the President of Krishi Upaj Mandi Samiti, had approached the father of the appellant and persuaded him that as the Krishi Upaj Mandi Samiti is likely to be shifted to Siroj-Lateri Road, resulting in escalation in price of lands, therefore, the father of the appellant may sell 3 bighas of land. Relying on the persuasion made by Raghunath Singh, the appellant had executed the document at the instance of his father in favour of respondent No.2, however, he was not informed that in whose favour the said document is being executed and even not a single paisa was paid to him. Later on, even the Mandi did not shift as per the promise made by Raghunath Singh. When the appellant demanded his document back, then the respondent No.2 demanded an amount of Rs.2 lac and as the

appellant had refused to pay the said amount, therefore, the suit has been filed.

The trial Court after framing the issues, recording the evidence of the parties, decreed the suit and came to a conclusion that an agreement to sell was executed by the appellant in favour of the respondent No.2 after receiving an amount of Rs.2 lac by way of advance. It was also held that the appellant has failed to prove that the agreement to sell was executed by keeping him in dark and playing fraud on him. The readiness and willingness of the respondent No.2 was also answered in affirmative.

Challenging the judgment and decree dated 24/01/2013 passed by the Trial Court, the appellant filed an appeal, which too has suffered dismissal by the judgment and decree dated 06/01/2014 passed by the Appellate Court in Civil Appeal No.32-A/2013.

Challenging the judgment and decree passed by the Courts below, it is submitted by learned Senior Counsel for the appellant that the respondent No.2 is, admittedly, an advocate and is also in the business of Real Estate and he has admitted in para 23 of his cross-examination that he is the Director of Real Estate Company. The respondent No.2 had a close friendship with Raghunath Singh, whose mother was the President of Krishi Upaj Mandi Samiti and Raghunath Singh by misrepresenting the father of the appellant, had persuaded the father of the appellant as well as the appellant to execute the document in favour of respondent No.2. The appellant had also moved a complaint

Ex.P1 before the SDO with regard to misrepresentation, which was denied by Raghunath Singh vide his statement Ex.P11. The respondent No.2 has failed to prove his readiness and willingness. It is further submitted that the agreement to sell is an unregistered document and was not admissible in evidence for want of registration.

Per contra, it is submitted by learned Senior counsel for the respondent No.2 that merely because the respondent No.2 has accepted that he is also an Advocate by profession, would not mean that he was disqualified to enter into an agreement to sell. Whether the respondent No.2 can pursue his profession as an Advocate along with his independent work of Real Estate or not, is a question which falls within the jurisdiction of Bar Council and has no bearing on the facts of the case. So far as the admissibility of the agreement to sell is concerned, it is submitted that at the time when the said document was being executed before the trial Court, no objection was raised by the appellant and furthermore, in the light of Section 49 of the Registration Act, the unregistered document for the purpose of specific performance of contract is admissible. It is further submitted that the respondent No.2 has specifically stated in his plaint as well as in his notice Ex.P2 (which was refused by appellant vide Ex.P4) as well as in his evidence, that he was ever ready and willing to perform his part of contract and further, he is still ready and willing to perform his part of contract. It is submitted that when concurrent findings have been recorded by the Courts below with regard to readiness and willingness

of the plaintiff, then unless and until any perversity is pointed out by the appellant, this Court while entertaining the Second Appeal under Section 100 of CPC, should not interfere with the concurrent findings of fact.

Heard the learned Senior Counsel appearing for the parties.

Section 49 of the Registration Act, 1908 reads as under:-

> ''**49. Effect of non-registration of documents required to be registered.-** No document required by section 17 (or by any provision of the Transfer of Property Act, 1882 (4 of 1882), to be registered shall-
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> (a) affect any immovable property comprised therein, or
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> (b) confer any power to adopt, or
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> (c) be received as evidence of any transaction affecting such property or unless it has been registered.
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> [Provided that an unregistered document affecting immovable property and required by this Court or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (3 of 1877), [or as evidence or any collateral transaction not required to be effected by registered instrument]''

From plain reading of Section 49 of the Registration Act, it is clear that the unregistered document can be admitted in evidence and merely because the agreement to sell was an unregistered document, the same cannot be a ground to dislodge the case of the respondent No.2. My view is fortified by the judgment passed by the Supreme Court in the case of **S. Kaladevi vs V. R. Somasundaram & Others,** reported in **2010(3) MPLJ (SC) 500,** which reads as under:-

> ''**11**. The main provision in Section 49 provides that any document which is required to be registered, if not registered,

shall not affect any immovable property comprised therein nor such document shall be received as evidence of any transaction affecting such property. Proviso, however, would show that an unregistered document affecting immovable property and required by 1908 Act or the Transfer of Property Act, 1882 to be registered may be received as an evidence to the contract in a suit for specific performance or as evidence of any collateral transaction not required to be effected by registered instrument. By virtue of proviso, therefore, an unregistered sale deed of an immovable property of the value of Rs. 100/- and more could be admitted in evidence as evidence of a contract in a suit for specific performance of the contract. Such an unregistered sale deed can also be admitted in evidence as an evidence of any collateral transaction not required to be effected by registered document. When an unregistered sale deed is tendered in evidence, not as evidence of a completed sale, but as proof of an oral agreement of sale, the deed can be received in evidence making an endorsement that it is received only as evidence of an oral agreement of sale under the proviso to Section 49 of 1908 Act.

12. Recently in the case of K.B. Saha and Sons Private Limited v. Development Consultant Limited, (2008) 8 SCC 564, this Court noticed the following statement of Mulla in his Indian Registration Act, 7th Edition, at page 189:-

> ".....The High Courts of Calcutta, Bombay, Allahabad, Madras, Patna, Lahore, Assam, Nagpur, Pepsu, Rajasthan, Orissa, Rangoon and Jammu & Kashmir; the former Chief Court of Oudh; the Judicial Commissioner's Court at Peshawar, Ajmer and Himachal Pradesh and the Supreme Court have held that a document which requires registration under Section 17 and which is not admissible for want of registration to prove a gift or mortgage or sale or lease is nevertheless admissible to prove the character of the possession of the person who holds under it....."

This Court then culled out the following principles:-

> "1. A document required to be registered, if unregistered is not admissible into evidence under Section 49of the Registration Act.
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> 2. Such unregistered document can however be used as an evidence of collateral purpose as provided in the proviso to Section 49 of the Registration Act.

> 3. A collateral transaction must be independent of, or divisible from, the transaction to effect which the law required registration.
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> 4. A collateral transaction must be a transaction not itself required to be effected by a registered document, that is, a transaction creating, etc. any right, title or interest in immovable property of the value of one hundred rupees and upwards.
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> 5. If a document is inadmissible in evidence for want of registration, none of its terms can be admitted in evidence and that to use a document for the purpose of proving an important clause would not be using it as a collateral purpose."
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> To the aforesaid principles, one more principle may be added, namely, that a document required to be registered, if unregistered, can be admitted in evidence as evidence of a contract in a suit for specific performance.''

This Court in the case of **Manish and Another vs. Anil Kumar S/o. Kaluramji Patidar and Others,** reported in **(2015) 2 MPLJ 645** has held as under:-

> **''15.** In the present case, there is no such direct irreconcilable inconsistency between section 17(1)(b) and proviso to Section 49 of the Registration Act. The scope of proviso to section 49 of Act is very limited to the extent of receiving such document as evidence of a contract in a suit for specific performance or as evidence of any collateral transaction not required to be effected by registered instrument.''

So far as the question of readiness and willingness is concerned, the Supreme Court in the case of **Veerayee Ammal vs. Seeni Ammal** reported in **(2002) 1 SCC 134** has held as under:-

> ''**3.**On the pleadings of the parties, the trial Court framed the following issues:-
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> ''1. Whether the plaintiff was always ready and willing to perform his part of contract? …….....
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> ''**7**. Section 100 of the Code of Civil Procedure (hereinafter

referred to as "the Code") was amended by the Amending Act 104 of 1976 making it obligatory upon the High Court to entertain the second appeal only if it was satisfied that the case involved a substantial question of law. Such question of law has to be precisely stated in the Memorandum of Appeal and formulated by the High Court in its judgment, for decision. The appeal can be heard only on the question, so formulated, giving liberty to the respondent to argue that the case before the High Court did not involve any such question.The Amending Act was introduced on the basis of various Law Commission Reports recommending for making appropriate provisions in the Code of Civil Procedure which were intended to minimise the litigation, to give the litigant fair trial in accordance with the accepted principles of natural justice, to expedite the disposal of civil suits and proceedings so that justice is not delayed, to avoid complicated procedure, to ensure fair deal to the poor sections of the community and restrict the second appeals only on such questions which are certified by the courts to be substantial question of law. We have noticed with distress that despite amendment, the provisions of Section 100 of the Code have been liberally construed and generously applied by some judges of the High Courts with the result that objective intended to be achieved by the amendment of Section 100 appears to have been frustrated. Even before the amendment of Section 100 of the Code, the concurrent finding of facts could not be disturbed in the second appeal. This Court in Paras Nath Thakur v. Smt.Mohani Dasi (Deceased) & Ors. [AIR 1959 SC 1204] held: (AIR p. 1205, para 3)

> "It is a well settled by a long series of decisions of the Judicial Committee of the Privy Council and of this Court, that a High Cour,t on second appeal, cannot go into questions of fact, however, erroneous the findings of fact recorded by the courts of fact may be. It is not necessary to cite those decisions. Indeed, the learned counsel for the plaintiff-respondents did not and could not contend that the High Court was competent to go behind the findings of fact concurrently recorded by the two courts of fact."

8. To the same effect are the judgments reported in Sri Sinha Ramanuja Jeer Swamigal v. Sri Ranga Ramanuja Jeer alias Emberumanar Jeer & Ors. [AIR 1961 SC 1720],V.Ramachandra Ayyar & Anr. v. Ramalingam Chettiar & Anr.[AIR 1963 SC 302] and Madamanchi Ramappa & Anr. v. Muthaluru Bojjappa [AIR 1963 SC 1633]. After its amendment, this Court in various judgments held that the

existence of the substantial question of law is a condition precedent for the High Court to assume jurisdiction of entertaining the second appeal. The conditions specified in Section 100 of the Code are required to be strictly fulfilled and that the second appeal cannot be decided on merely equitable grounds. As to what is the substantial question of law, this Court in Sir Chunilal v. Mehta & Sons Ltd. v. Century Spinning & Manufacturing Co.Ltd. [AIR 1962 SC 1314] held that: (AIR p.1318, para 6)

> "The proper test for determining whether a question of law raised in the case is substantial would, in our opinion, be whether it is of general public importance or whether it directly and substantially affects the rights of the parties and if so whether it is either an open question in the sense that it is not finally settled by this Court or by the Privy Council or by the Federal Court or is not free from difficulty or calls for discussion or alternative views. If the question is settled by the highest court or the general principles to be applied in determining the question are well settled and there is a mere question of applying those principles or that the plea raised is palpably absurd the question would not be a substantial question of law."

9. In Kondiba Dagadu Kadam v. Savitribai Sopan Gujar & Ors. [JT1999 (3) SC 163] this Court again considered this aspect of the matter and held: (SCC pp. 725-26, para 6)

> "6. If the question of law termed as substantial question stands already decided by a large bench of the High Court concerned or by the Privy Council or by the Federal Court or by the Supreme Court, its merely wrong application on facts of the case would not be termed to be a substantial question of law. Where a point of law has not been pleaded or is found to be arising between the parties in the absence of any factual format, a litigant should not be allowed to raise that question as substantial question of law in second appeal. The mere appreciation of the facts, the documentary evidence or the meaning of entries and the contents of the document cannot be held to be raising a substantial question of law. But where it is found that the appellate court has assumed jurisdiction which did not vest in it, the same can be adjudicated in the second appeal, treating it as substantial question of law. Where the first appellate court is shown to have exercised its discretion in a judicial manner, it cannot be termed to be an error either of law or of procedure requiring interference in second appeal. This Court in Reserve Bank

> of India & Anr. v. Ramakrishna Govind Morey (AIR 1976 SC830) held that whether trial court should not have exercised its jurisdiction differently is not a question of law justifying interference."
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> **10**. The question of law formulated as substantial question of law in the instant case cannot, in any way, be termed to be a question of law much less as substantial question of law. The question formulated in fact is a question of fact. Merely because of appreciation of evidence another view is also possible would not clothe the High Court to assume the jurisdiction by terming the question as substantial question of law. In this case Issue NO.1, as framed by the Trial Court, was, admittedly, an issue of fact which was concurrently held in favour of the appellant-plaintiff and did not justify the High Court to disturb the same by substituting its own finding for the findings of the courts below, arrived at on appreciation of evidence. ''

Thus, it is clear that the question of readiness and willingness is a question of fact and until and unless the findings recorded by the Courts below are pointed out to be perverse and *de hors* the record, this Court is of the considered opinion that under Section 100 of CPC the findings of fact, may be erroneous but cannot be interfered with.

The Supreme Court in the case of **D.R.Rathna Murthy vs. Ramappa**, reported in **(2011) 1 SCC 158,** has held as under:-

> ''**9.** Undoubtedly, the High Court can interfere with the findings of fact even in the Second Appeal, provided the findings recorded by the courts below are found to be perverse i.e. not being based on the evidence or contrary to the evidence on record or reasoning is based on surmises and misreading of the evidence on record or where the core issue is not decided. There is no absolute bar on the re-appreciation of evidence in those proceedings, however, such a course is permissible in exceptional circumstances. *(Vide Rajappa Hanamantha Ranoji v. Mahadev Channabasappa (2000) 6 SCC 120, Hafazat Hussain vs. Abdul Majeed (2001) 7 SCC 189 and Bharatha Matha vs. R. Vijaya Renganathan, (2010) 11 SCC 483)''*

The Supreme Court in the case of **Union of India vs. Ibrahim Uddin and Another,** reported in **(2012) 8 SCC 148** has held as under:-

> ''**59**. Section 100 CPC provides for a second appeal only on the substantial question of law. Generally, a Second Appeal does not lie on question of facts or of law. In State Bank of India & Ors. v. S.N.Goyal, AIR 2008 SC 2594, this Court explained the terms "substantial question of law" and observed as under : (SCC p.103, para 13)
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> > "13.....The word 'substantial' prefixed to 'question of law' does not refer to the stakes involved in the case, nor intended to refer only to questions of law of general importance, but refers to impact or effect of the question of law on the decision in the lis between the parties. 'Substantial questions of law' means not only substantial questions of law of general importance, but also substantial question of law arising in a case as between the parties. ……..... any question of law which affects the final decision in a case is a substantial question of law as between the parties. A question of law which arises incidentally or collaterally, having no bearing on the final outcome, will not be a substantial question of law. There cannot, therefore, be a straitjacket definition as to when a substantial question of law arises in a case." (Emphasis added).
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> **60.** Similarly, in Sir Chunilal V. Mehta & Sons Ltd. v. Century Spinning and Manufacturing Co. Ltd., AIR 1962 SC 1314, this Court for the purpose of determining the issue held:- (AIR P. 1318, para 6)
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> > "6. …...The proper test for determining whether a question of law raises in the case is substantial, would, in our opinion, be whether it is of general public importance or whether it directly and substantially affects the rights of the parties….."
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> > (Emphasis added)
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> **61.** In Vijay Kumar Talwar v. Commissioner of Income Tax, New Delhi, (2011) 1 SCC 673, this Court held that:(SCC pp.679-80, para 21)
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> > ''21.....14. A point of law which admits of no two opinions may be a proposition of law but cannot be a

substantial question of law. To be 'substantial' a question of law must be debatable, not previously settled by law of the land or a binding precedent, and must have a material on the decision of the case, if answered either way, insofar as the rights of the parties before it are concerned. To be a question of law 'involving in the case' there must be first a foundation for it laid in the pleadings and the question should emerge from the sustainable findings of fact arrived at by court of facts and it must be necessary to decide that question of law for a just and proper decision of the case. It will, therefore, depend on the facts and circumstance of each case, whether a question of law is a substantial one or not; the paramount overall consideration being the need for striking a judicious balance between the indispensable obligation to do justice at all stages and impelling necessity of avoiding prolongation in the life of any lis." (See also:Rajeshwari v. Puran Indoria, (2005) 7 SCC 60).

62. The Court, for the reasons to be recorded, may also entertain a second appeal even on any other substantial question of law, not formulated by it, if the Court is satisfied that the case involves such a question. Therefore, the existence of a substantial question of law is a sine-qua-non for the exercise of jurisdiction under the provisions of Section 100 CPC. The second appeal does not lie on the ground of erroneous findings of facts based on appreciation of the relevant evidence.

63. There may be a question, which may be a "question of fact", "question of law", "mixed question of fact and law" and "substantial question of law." Question means anything inquired; an issue to be decided. The "question of fact" is whether a particular factual situation exists or not. A question of fact, in the Realm of Jurisprudence, has been explained as under:-

> "A question of fact is one capable of being answered by way of demonstration. A question of opinion is one that cannot be so answered. An answer to it is a matter of speculation which cannot be proved by any available evidence to be right or wrong."
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> (Vide: Salmond, on Jurisprudence, 12th Edn. page 69, cited in Gadakh Yashwantrao Kankarrao v. E.V. alias Balasaheb Vikhe Patil & ors., AIR 1994 SC 678).

64. In Smt. Bibhabati Devi v. Ramendra Narayan Roy & Ors., AIR 1947 PC 19, the Privy Council has provided the guidelines as in what cases the second appeal can be entertained, explaining the provisions existing prior to the amendment of 1976, observing as under: (IA p.259.)

> ".(4).... that miscarriage of justice means such a departure from the rules which permeate all judicial procedure as to make that which happen not in the proper sense of the word 'judicial procedure' at all. That the violation of some principles of law or procedure must be such erroneous proposition of law that if that proposition to be corrected, the finding cannot stand, or it may be the neglect of some principle of law or procedure, whose application will have the same effect. The question whether there is evidence on which the Courts could arrive at their finding, is such a question of law.
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> (5).That the question of admissibility of evidence is a proposition of law but it must be such as to affect materially the finding. The question of the value of evidence is not sufficient reason for departure from the practice....."

65. In Suwalal Chhogalal v. Commissioner of Income Tax, (1949) 17 ITR 269, this Court held as under:-

> "......A fact is a fact irrespective of evidence, by which it is proved. The only time a question of law can arise in such a case is when it is alleged that there is no material on which the conclusion can be based or no sufficient evidence."

66. **In Oriental Investment Company Ltd. v. Commissioner of Income Tax, Bombay**, AIR 1957 SC 852, this Court considered a large number of its earlier judgments, including Sree Meenakshi Mills Ltd., Madurai v. Commissioner of Income Tax, Madras, AIR 1957 SC 49, and held that where the question of decision is whether certain profit is made and shown in the name of certain intermediaries, were, in fact, profit actually earned by the assessee or the intermediaries, is a mixed question of fact and law. The Court further held that (Oriental Investment case, AIR p.856, para 29)

> ''29..... inference from facts would be a question of fact or of law according as the point for determination is one of pure fact or a "mixed question of law and fact"

> and that a finding of fact without evidence to support it or if based on relevant or irrelevant matters, is not unassailable.''
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> **67.** There is no prohibition to entertain a second appeal even on question of fact provided the Court is satisfied that the findings of the courts below were vitiated by non-consideration of relevant evidence or by showing erroneous approach to the matter and findings recorded in the court below are perverse. *(Vide: Jagdish Singh v. Nathu Singh, AIR 1992 SC 1604; Smt. Prativa Devi (Smt.) v. T.V. Krishnan, (1996) 5 SCC 353; Satya Gupta (Smt.) @ Madhu Gupta v. Brijesh Kumar, (1998) 6 SCC 423;Ragavendra Kumar v. Firm Prem Machinary & Co., AIR 2000 SC 534; Molar Mal (dead) through Lrs. v. M/s. Kay Iron Works Pvt. Ltd., AIR 2000 SC 1261;Bharatha Matha & Anr. v. R. Vijaya Renganathan & Ors., AIR 2010 SC 2685; and Dinesh Kumar v. Yusuf Ali, (2010) 12 SCC* 740).''

The Supreme Court in the aforesaid judgments has held that even if the findings of fact may be erroneous findings of fact, then it would not give rise to substantial question of law and the High Court while exercising the power under Section 100 of CPC should not interfere with the concurrent findings of fact.

The Supreme Court in the case of **Pakeerappa Rai vs. Seethamma Hengsu dead by LRs. and Others** reported in **(2001) 9 SCC 521** has held as under:-

> ''**2**. Learned Counsel appearing on behalf of the appellant urged that the finding recorded by the first Appellate Court that auction purchaser was not a stranger to the suit is based on no evidence on record and inasmuch as the conclusion arrived at is erroneous and the High Court committed serious mistake of law in not interfering with the said finding. Plaintiff Seethamma in her evidence stated about the nearness of the auction purchaser with other defendants. It was brought on record that auction purchaser was near to the husband of Laxmi who was one of the defendants in O.S. No. 133/1963 which was tried along with the suit out of which the present appeal arises. The first Appellate Court, on the basis of the said

> evidence, came to the conclusion that the auction purchaser was not a stranger to the suit. Under such circumstances, it cannot be urged that the conclusion arrived it bv the court below was erroneous. The position would be different if the High Court has the jurisdiction to reappraise the evidence. In such a situation the High Court might have come to a different conclusion. But the High Court in exercise of power under Section 100 CPC cannot interfere with the erroneous finding of fact howsoever the gross error seeing to be. We. therefore, do not find any merit in the contention of the learned Counsel for the appellant. ''

Further, the appellant has not examined his father to whom Raghunath Singh was alleged to have misrepresented. Thus, the pleading of misrepresentation was not proved and the execution of the agreement to sell was not disputed by the appellant.

Considering the facts and circumstances of the case, this Court is of the considered opinion that although the question regarding the admissibility of document is a substantial question of law but in view of Section 49 of the Registration Act merely because the agreement to sell was an unregistered document, but the same can be admitted in evidence in a suit for specific performance of contract and would not be sufficient to dislodge the case of the plaintiff. The plaintiff/respondent No.2 has always expressed his readiness and willingness to perform his part of contract. Furthermore, according to the agreement to sell, only an amount of Rs.1 lac was required to be paid by the plaintiff apart from bearing the registration charges and in view of the admission by the respondent No.2/plaintiff in his cross-examination that he is in the business of Real Estate and is also an Advocate by profession,

therefore, it is clear that the financial position of the respondent was such where he can easily bear the expenses of registration as well as the remaining amount of Rs.1 lac, therefore, this Court is of the considered opinion that no substantial question of law arises in the present appeal.

Accordingly, the judgment and decree dated 06/01/2014 passed by Additional Judge to the Court of Additional District Judge, Sironj, District Vidisha in Civil Appeal No.32-A/2013 and the judgment and decree dated 24/01/2013 passed by Civil Judge, Class-I, Sironj, District Vidisha in Civil Suit No.27-A/2012 are hereby affirmed.

Appeal fails and is hereby **dismissed** *in limine.*

(G.S. Ahluwalia)
Judge

MKB