

**ASHOK KUMAR BANGAR
VS
PAWAN KUMAR AND OTHERS**

Present:- Ms. Sonia G. Singh, Advocate with
Mr. Dinesh Maurya, Advocate
for the appellant.

Plaintiff is in this appeal. His suit for possession by way of specific performance was disposed by the trial Court on 21.08.2018 by declining the relief of specific performance after finding that defendant No.1 was not the owner of the property agreed to be sold. On that premise, plaintiff was allowed the decree of recovery of double the earnest money. However the first Appellate Court, by noticing that agreement in question was not sufficiently stamped, declined even the relief of recovery of double the earnest money. Now against this reversal, plaintiff has approached this Court.

Learned counsel contends that since defendant No.1 has not been found to be owner, so appellant-plaintiff is not assailing the finding regarding denial of the relief of specific performance. However the first Appellate Court has wrongly declined the relief of recovery of double the earnest money, since it is the defendant No.1 who had falsely agreed to sell his property by proclaiming himself to be owner of the property.

Notice of motion only to respondent No.1 for 03.08.2026.

**(DEEPAK GUPTA)
JUDGE**

April 23, 2026
Neetika Tuteja