

**Suit for specific performance - Earnest money refund of - No prayer for an alternative relief for refund - Both the Courts below have found that the agreements to sell cannot be specifically performed - Although it is correct that no prayer for an alternative relief has been prayed for, however, this Court being also of the Court of equity, is required to balance the equities - While exercising jurisdiction under Section 151 [CPC](#) i.e. inherent powers, this Court passes a decree in favour of plaintiff for recovery of earnest money deposited along with the interest at the rate of 7.5% from the date of loan .**

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[2020 PLRonline 5202](#)