

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.1362 of 2015**Date of Decision: 25.02.2015**

Gurbax Singh

. . . .Petitioner

Versus

Sukhjinder Kaur

. . . . Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.I.S. Brar, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order dated 15.10.2014, extending the time to deposit the balance sale consideration by the decree-holder, in terms of the decree passed in his favour in the suit for specific performance.

The decree was passed on 7.9.2011 and the application for extension of time was filed on 12.11.2011 under Section 148 of the Code of Civil Procedure, 1908 [for short 'the CPC']. It has been held by the Supreme Court in the case of **"Salem Advocate Bar Association, Tamil Nadu Vs. Union of India"** 2005 (3) RCR (Civil) 530 that even if 30 days period has been expired, the Court still have the jurisdiction under Section 151 to extend the time until and unless the Court comes to the conclusion that the act and conduct of the plaintiff in not depositing the balance sale consideration is totally *mala fide*.

In view thereof, I do not find any error in the order of the Court below and the present petition is hereby dismissed.

25.02.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**