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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.4227 of 2015

Date of decision: July 08, 2015

Pargat Singh

.....Petitioner

Versus

Gurmukh Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Premjit Kalia, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 28.03.2014.

Learned counsel for the petitioner has submitted that the trial Court has erred in extending the time for deposit of the sale consideration.

Impugned order reads as under:-

“Heard on the application under section 28 of Specific Relief Act for extension of depositing balance sale consideration for execution of sale deed as per the judgment and decree dated 4.1.2013. In view of the contents mentioned in the application, it appears that there is no malafide intention on the part of the applicant/decreed holder, but due to unavoidable circumstances, he could not deposit the balance sale consideration for execution of sale deed and as such the instant application is hereby allowed and only one month time is granted to the applicant/decreed to deposit the balance sale consideration for execution of the sale deed as per judgment and decree dated 4.1.2013.

Now to come up on 2.5.2014 for further proceedings.”

Respondent No.1 had filed suit for specific performance of agreement to sell date 24.11.2004. Suit filed by the respondent No.1 was decreed in *ex parte* vide judgment/decreed dated 04.01.2013. As per the decree, respondent No.1 was directed to deposit the balance sale consideration within one month from the date of the decree. Thereafter, respondent No.1 moved an application for extension of the time for deposit of the sale consideration by one month. As per the respondent No.1, he could not deposit the balance sale consideration within the stipulated period as he had fallen ill and had remained admitted in the Hospital, nor he could contact his counsel on account of his illness. In the facts and circumstances of the present case, the learned trial Court rightly extended the time by one month to enable the respondent No.1 to deposit the balance sale consideration. The impugned order was passed on 28.03.2014.

During the course of arguments, it has transpired that in pursuance to the impugned order, respondent No.1 has already deposited the balance sale consideration.

Hence, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 08, 2015
mahavir