

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.296 of 2016
Date of Decision.18.01.2016

Mange Ram

.....Petitioner

Vs.

Maha Singh through LRs

.....Respondent

Present: Mr. Arun Singal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The suit for specific performance which was decreed for the relief of recovery of money which recovery allowed for the defendant to make a payment before 15.06.2010 failing which the plaintiff would have a benefit of the decree for specific performance was sought to be modified after the decree was passed on the application filed by the judgment debtor seeking for extension of time for deposit of the amount. According to him, after 15.06.2010 there was a vacation intervening and on 16.07.2010 the defendant moved an application for extension and also in expression of bona fide, deposited the amount on 17.07.2010.

2. The plaintiff-decree holder contested the application and the application was dismissed. The aggrieved defendant is the revision petitioner before this Court.

3. Order 20 Rule 11 CPC makes a provision for a decree that could allow for deposit of the amount to be paid before a particular date

or it can provide for installments. Order 20 Rule 11(2) CPC states that after the passing of decree on the application of judgment debtor and with the consent of the decree holder, the Court can order the payment to be made to be post-poned or may allow for modification of the terms as to installments. The power to extend the time which in the expression contained under Order 20 Rule 11 CPC contemplates that the postponement of the period, could be done with consent of the decree holder and the Court has no discretion left to allow for such an extension if the decree holder does not consent to the same. In this case, admittedly the plaintiff-decree holder did not consent for extension and for whatever reason that he was not willing to do, the Court cannot do. The Court's power is fettered. In such a situation, I will find no scope for giving benefit of extension in the manner contended by the counsel appearing for the petitioner.

4. The impugned order is maintained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

January 18, 2016
Pankaj*