

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

CR-4489-2016

DATE OF DECISION:04.08.2016

SATPAL SHARMA

..Petitioner

VS.

BALJINDER KAUR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. N.S. Boparai, Advocate
for the petitioner.

DARSHAN SINGH (ORAL)

1. The present revision petition has been preferred against the order dated 15.3.2016 passed by learned Civil Judge (Sr. Division), Amritsar, vide which the application moved by the petitioner under Section 148 of Code of Civil Procedure (hereinafter called 'CPC') for extension of time to deposit the balance sale price, has been dismissed.

2. Learned counsel for the petitioner contended that Shamsher Singh the predecessor-in-interest of the respondents has executed the agreement to sell dated 22.9.2000 in favour of the plaintiff for the sale of the plot for valuable consideration of Rs.9,90,000/-. Rs.7 lac were paid by the plaintiff at the time of execution of agreement on 22.9.2000. The possession of the plot in dispute was also delivered to the petitioner in part performance of the agreement. Shamsher Singh, the executant of the agreement died. The respondent, his legal heirs did not execute the sale deed. So, the plaintiff filed the suit for specific

performance which was decreed by the learned Civil Judge (Senior Division), Amritsar vide judgment dated 5.12.2012.

3. He further contended that the petitioner did not deposit the remaining portion of the sale price as their servant administered some poisonous substance to the petitioner and his family members. They remained under treatment for a long period. The petitioner is an old man of 80 years of age. He has already paid Rs.7 lac out of the sale price and even the possession of the plot in dispute is with him. He contended that in the interest of justice, the time should be extended to deposit the remaining sale price.

4. I have considered the aforesaid contentions. The suit filed by the petitioner for specific performance of agreement to sell dated 22.9.2000 was decreed by the learned trial Court vide judgment dated 5.12.2012. The petitioner was directed to execute the sale deed within two months from the date of decree in favour of the plaintiff and plaintiff was directed to deposit the remaining sale consideration. So, the plaintiff-petitioner was required to deposit the remaining sale price within two months from the date of decree i.e. 5.12.2012. Admittedly, the said amount was not deposited by the petitioner within the stipulated period.

5. The application for enlargement of the time moved by the petitioner before the trial Court is Annexure P2. In this application, the petitioner has taken the plea that during the night intervening

substance by mixing in the dinner and serve the same to him, his wife and son-in-law. Due to that, he became unconscious and remained under treatment in Janta Hospital, opposite Central Jail, Ajnala Road, Amritsar. It is further pleaded that due to the aforesaid mis-happening the petitioner is still not fully well health wise. So the only reason pleaded by the plaintiff/petitioner for his failure to deposit the remaining sale price within the stipulated period is the mis-happening which took place on the night intervening 15/16.9.2010 which admittedly took place during the pendency of the suit and the suit filed by the plaintiff has been decreed on 05.12.2012 i.e. more than two years of that occurrence.

6. The petitioner has not placed on record any medical evidence to show that for how much period he remained hospitalized and what was his health status at the time of discharge. The present application has been moved by him on 9.3.2016 i.e. after more than three years from the expiry of the stipulated date. The petitioner has not been able to show any sufficient cause for condoning such a long delay and to enlarge the time to deposit the sale price. Mere this fact that the petitioner is an old man, he has already paid Rs.7 lac out of the sale price and is in possession of the plot in dispute, cannot be a ground to enlarge the time to deposit the remaining sale price after such a long delay from the date of expiry of the stipulated date.

7. Thus, I do not find any illegality in the impugned order.
Consequently, the present revision petition is hereby dismissed.

(DARSHAN SINGH)
JUDGE

August 04, 2016.
SwarnjitS

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.