

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 549 of 2016
Date of Decision : 28.01.2016

Vijay Gupta

....Petitioner

Versus

Poonam and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Roopak Bansal, Advocate
for the petitioner.

Surinder Gupta, J. (Oral)

Heard.

Suit of plaintiff-petitioner seeking relief of specific performance of agreement to sell dated 15.12.2006 was decreed on 22.02.2011 subject to following terms:-

- (i) that defendants no. 1 to 5 (JD) shall execute sale deed in favour of plaintiff on payment of balance sale consideration within a period of one month from today (i.e. the date of decree);
- (ii) that plaintiff would notify his intention to defendants no. 1 to 5 in writing to get the sale deed executed and registered and would make the payment of balance sale consideration at the time of execution of sale deed, in case defendants agreed to do so;
- (iii) that such a notice would be given by plaintiff to the defendants within a period of one month from today (i.e. the date of decree) and in case of failure of defendants to execute the sale deed,

plaintiff would be at liberty to get the same executed through process of Court.

Admittedly, the payment of balance sale consideration has not been made till date by the petitioner, as such, he is barred from seeking execution of the decree with regard to relief of specific performance of agreement and learned Civil Judge (Senior Division), Karnal has rightly ordered the refund of earnest money to the decree-holders.

No intervention in order dated 13.01.2016 passed by the Civil Judge (Senior Division), Karnal is called for. The instant revision petition has no merit and the same is dismissed.

January 28, 2016
jk

(SURINDER GUPTA)
JUDGE