

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.3499 of 2016 (O&M)

Date of decision: April 27, 2017

Lakhmi Chand through LRs Baleshwar & others ...Petitioners

Versus

M/s Big Jo's Estates Ltd. ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bijender Dhankar, Advocate for the petitioners.

Mr. Hemant Saini, Advocate for the respondent.

Rajan Gupta, J.(oral)

Present revision is directed against the order dated 06.02.2016, passed by the court below, whereby application filed by the plaintiff/respondent for extension of time for deposit of balance sale consideration was allowed and objections filed against the same were dismissed vide order dated 27.04.2016.

It appears, suit filed by the plaintiff for specific performance was decreed. It was directed that defendants would get the sale deed executed and registered in favour of the plaintiff after receipt of balance sale consideration within a period of two months from the date of decree as per the agreement. Said decree obtained finality upto the Hon'ble Supreme Court. Thereafter, instant application was moved by the plaintiff for extension of time for depositing the balance sale consideration. Same was allowed vide order dated 6.2.2016. Defendant filed certain objections, which were rejected vide order dated 27.4.2016. It appears, an application

was moved on 6.2.2016 itself under section 28 of the Specific Relief Act, 1963 by the petitioner/judgment debtors for rescission of the contract. Same, however, remained pending for adjudication. This is clear from the certified copy of order produced before this court today by Mr. Saini, learned counsel representing the respondents. Said order is taken on record as Mark 'A'.

This court finds no ground to interfere in the orders Annexures P-4 and P-7. The revision petition is disposed of with liberty to the executing court to decide aforesaid application under Section 28 pending before it.

(RAJAN GUPTA)
JUDGE

April 27, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No