

CR No. 4871 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 4871 of 2017 (O&M)

Date of decision: 27.7.2017

Karnail Singh

...Petitioner

Versus

Baljeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Nitin Jain, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 12.7.2017 (Annexure P-3) passed by the learned trial court, whereby his application for extension of time for depositing an amount of ₹30 lacs for the purpose of execution of the sale deed in compliance of the judgment and decree dated 18.4.2017 (Annexure P-1) was dismissed, decree-holder has approached this court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner

It is a matter of record that petitioner was plaintiff. He filed suit for possession by way of specific performance of the agreement to sell dated 6.4.2011. His suit came to be decreed by the learned trial court vide judgment and decree dated 18.4.2017, directing the decree-holder-plaintiff to deposit remaining amount of ₹30 lacs within a period of one month from the

CR No. 4871 of 2017 (O&M)

date of receipt of certified copy of the judgment, so as to get the sale deed executed. It is also not in dispute that decree-holder failed to deposit the amount in compliance of the direction issued to him vide abovesaid judgment and decree dated 18.4.2017. Few days before expiry of the period granted to him for depositing the amount of ₹30 lacs, petitioner moved an application seeking extension of time before the learned trial court. When the learned trial court found that decree-holder was not interested in depositing the amount and he was not having sufficient funds even on the day when the impugned order was passed, learned trial court was left with no other option except to decline any extension of time. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

When this Court asked the learned counsel for the petitioner, as to whether the petitioner is having sufficient funds today, so as to deposit the same immediately before the learned trial court, he expressed his inability, contending that petitioner is not having requisite amount with him even today. It shows that petitioner is not interested in depositing the amount. Granting extension of time would have been justified only when the petitioner would have approached this Court showing his bonafide intention to deposit the amount. Neither learned counsel for the petitioner is able to make any such statement, nor the petitioner is giving any undertaking before this Court as to how much more time he needs to deposit the amount. In such a situation, once the decree-holder has been found trying to misuse the process of court, he is not entitled for any extension in time. Under these undisputed facts and circumstances of the case, it can be safely concluded

CR No. 4871 of 2017 (O&M)

that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

27.7.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No