

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

CR No. 5984 of 2017(O&M)

Date of decision: 6.9.2017

Sikander Singh since deceased through his legal heirsPetitioners

VERSUS

Ravinder Pal SinghRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Namit Gautam, Advocate for the petitioners.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 05.01.2016 (Annexure P-5) passed by the Civil Judge (Junior Division), Ludhiana whereby time for deposit of balance sale consideration and execution of decree was extended till decision of the applications under Order 47 Rule 1 read with Sections 114 and 151 of the Code of Civil Procedure, 1908 (in short 'CPC') for review of judgment and decree dated 08.10.2015 and under Section 148 read with Section 151 CPC for enlargement/extension of time to deposit the balance sale consideration.

Counsel for the petitioners would urge that as per decree dated 08.10.2015, suit of the respondent/plaintiff for possession by way of specific performance of agreement to sell dated 06.02.2010 pertaining to land measuring 5 acres, detailed in head-note of the judgment (Annexure P-1) was decreed and the decree holder was directed to deposit the remaining sale consideration and get the sale deed executed through process of the Court within a period of three months from the date of judgment. The respondent/decreed holder did not deposit balance sale

consideration running into several crores but filed two applications for review and extension of time with a clear intent to delay deposit of balance sale consideration. It is further submitted that vide order dated 05.01.2016 the executing Court, at the back of the petitioners, extended time for execution of the decree till the applications are decided. Later, counsel representing the petitioners before the executing Court made statements dated 19.04.2017 that the aforesaid applications filed by the decree holders be allowed and the decree holder be given 30 days time for deposit of balance sale consideration in terms of Section 148 CPC. It is further submitted that despite counsel for the petitioners having raised no objection for allowing the applications, the applications have not been disposed of by the executing Court allowing further time to the decree holder to avoid his liability to deposit balance sale consideration.

Counsel would urge that he does not press for disposal of petition on merits but some time bound directions may be issued to the executing Court for disposal of the applications filed by the decree holder so that the decree holder is not able to avoid his liability to deposit balance sale consideration.

In view of the above, without going into merits of the case, the petition is disposed of with a direction to the executing Court to dispose of the applications for review of judgment and decree dated 08.10.2015 and under Section 148 read with Section 151 CPC for enlargement/extension of time filed by the decree holder, within a period of 15 days from the date of receipt of certified copy of the order.

Though the petition has been disposed of but the executing Court is directed to submit an explanation as to why despite statement made by counsel for the respondents therein raising no objection in

allowing the applications filed by the decree holder, the applications are kept pending and the case is being adjourned.

The Registry shall ensure that the report is received within a period of 20 days.

SEPTEMBER 6, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no