

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

CR No.7024 of 2017 (O&M)

Date of decision : 10.10.2017

Ram Swaroop (since deceased) through his LRs and another

...Petitioners

Versus

Basti Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Yadav, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The petitioners are in revision petition against the order passed by the learned Additional District Judge, Rewari permitting the plaintiffs-respondents to deposit the amount in the Government Treasury.

In a long standing dispute between the parties, the learned First Appellate Court had resolved the dispute by directing the appellants to pay the price of the land at Collector's rate plus 25% development costs. The dispute was with regard to the passage.

Learned First Appellate Court had directed that the payment should be made within a period of two months. Unfortunately, the payment was not deposited within the time prescribed. The plaintiffs-respondents filed an application under Section 148 CPC for extension of time. The Court has allowed the application and directed the respondents-plaintiffs to deposit the amount in the Government Treasury as defendant had refused to

accept the same.

Learned counsel for the petitioners has vehemently argued that the Court has not given any reasons for extension of the time. The order passed is wholly non-speaking.

No doubt, there is some substance in the arguments of the learned counsel. The order passed by the Court is not happily worded.

However, taking into consideration the fact that the First Appellate Court has resolved the dispute with regard to the passage by allowing the respondents-plaintiffs to deposit the price of the land plus 25% development charges and the parties accepted the aforesaid order. This Court does not find that the discretion exercised by the Court in extending the time for deposit of the amount is arbitrary. No doubt there is some delay in moving the application, however taking into consideration that the dispute is with regard to the passage, this Court does not find any good ground to interfere with the discretion exercised by the Courts below.

Revision petition is dismissed.

10.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No