

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

CR No.840 of 2017

Date of decision : 09.08.2017

Sarabjit Singh and another

...Petitioners

Versus

Partap Singh (deceased) through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Nagra, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The petitioners-Decree Holders have challenged the order dated 20.10.2016 passed by the Executing Court. The learned Executing Court has dismissed the application filed under Section 28(1) of the Specific Relief Act and declined the prayer of the Decree Holders to deposit the balance sale price of ₹3,26,000/-.

In this case, agreement to sell was entered into between the parties on 16.02.2001. After protracted trial, the trial Court decreed the suit filed by the plaintiffs-petitioners vide judgment dated 06.09.2008. As per the judgment, plaintiffs were directed to deposit the amount of balance sale consideration within a period of two months from the date of decree. The defendants filed an appeal against the aforesaid decree which

was dismissed on 23.03.2009. Further, the Regular Second Appeal filed by the defendant was also withdrawn on 30.05.2009.

The Decree Holders-applicants filed an application on 24.08.2009. The aforesaid application remained pending before the trial Court for one reason or the other as initially service could not be effected on the respondents and thereafter the application filed under Section 28 (1) of the Specific Relief Act, was dismissed in default.

The learned Executing Court vide order dated 20.10.2016 has dismissed the application. The learned Court has recorded that the Decree Holders have failed to comply with the decree and it will not be possible to extend the time to deposit the amount after lapse of eight years.

I have heard learned counsel for the petitioners and with his able assistance gone through the orders passed by the Court.

In this case, as per the judgment and decree passed on 06.09.2008, the petitioners-Decree Holders were required to deposit the amount within a period of two months. No documents have been produced on the file to prove that any attempt was made by the Decree Holders to deposit the amount. The First Appeal was dismissed on 23.03.2009. The Second Appeal filed by the defendant was also withdrawn on 30.05.2009. Even thereafter, the plaintiffs did not make any attempt to deposit the amount for a period of almost three months.

The decree in the present case as noticed above, was passed in the year 2008. We are in July, 2017. At this stage, Decree Holders cannot be permitted to deposit the amount after a period of almost nine

years.

In view of the aforesaid facts, there is no ground to interfere in the order passed by the learned Executing Court.

The present Civil Revision Petition is ordered to be dismissed.

09.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No