

221 **CM-25446-CII-2016 with RA-CR-309-CII-2016 and
CM-15499-CII-2015 with CM-1731-CII-2016 in
CR-2190-2013**

Harnam Singh and another Vs. Mool Chand

Present:- Mr. Surinder Gandhi, Advocate
 for the petitioners.

 Mr. Arun Singla, Advocate
 for the respondent.

CM-15499-C-2015 (O&M)

Present application has been filed under Section 151 of CPC for correction in the order dated 24.07.2015.

Learned counsel for the applicant-respondent submits that the application (Annexure P-3) had been made on 30.10.2006 with a prayer that after expiry of two months the defendant has not executed the sale deed and he be granted permission to deposit the remaining sale consideration. Further, the defendants/petitioners-Harnam Singh and another, had filed the revision petition against the order dated 18.12.2012 whereby the application moved by the petitioners, under Section 28(1) of the Specific Relief Act, 1963, had been dismissed. They had challenged the above-said order on the ground that the plaintiff was to execute the sale deed within two months by depositing the balance sale consideration. While decreeing the suit of the plaintiff two months had been granted to the defendants to execute the sale deed in favour of the plaintiff and no particular period had been granted to the plaintiff to deposit the remaining sale consideration. The said revision was dismissed. However, inadvertently, it was mentioned in the order dated 24.07.2015 that the plaintiff had deposited the balance sale consideration before the trial Court on 30.10.2006.

Learned counsel for the applicant/respondent has further informed that the application dated 30.10.2006 (Annexure P-3) has been allowed on 04.10.2016, he has deposited the sale consideration and now the sale has been confirmed.

Heard.

Keeping in view the application (Annexure P-3), order dated 24.07.2015, passed by this Court is being modified that the plaintiff had made an application before the trial Court on 30.10.2006.

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For the reasons mentioned therein, the application is allowed. Delay of 477 days in filing the present review application is hereby allowed.

RA-309-CII-2016

Learned counsel for the applicants-petitioners has vehemently argued that the above-said application was not maintainable as this order was passed after the respondent had misled this Court by making a statement that the plaintiff had deposited the balance sale consideration before the trial Court on 30.10.2006.

After hearing the learned counsel for the parties, the argument of learned counsel for the petitioners is liable to be rejected as the revision petition was filed by the applicants-petitioners against the order dated 18.12.2012, whereby his application under Section 28(1) of the Specific Relief Act, 1963, had been dismissed. Moreover, while decreeing the suit no direction has been given to the plaintiff to deposit the sale consideration.

As per order dated 29.04.2006, passed by the Civil Judge (Junior Division),

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Panipat, the defendants were directed to receive balance consideration and execute the sale within two months. Since the defendants were not accepting the balance consideration, therefore, the application (Annexure P-3) has been made to deposit the sale consideration.

In view of the above, no ground of reviewing the order dated 24.07.2015, is made out, therefore, the present application is hereby dismissed.

September 21, 2017
naresh.k

**(RITU BAHRI)
JUDGE**