

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

124

CR No.1910 of 2018 (O & M)
Date of Decision:22.03.2018

Krishan

...Petitioner

Versus

Shiv Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Bali, Senior Advocate with
Ms. Anshika Sharma, Advocate
for the petitioner.

ANIL KSHETARPAL, J.

Judgment-debtor/petitioner is in the revision petition against the order passed by the learned Executing Court dismissing his objection petition.

A decree for specific performance of the agreement to sell was passed in favour of the respondent on 05.05.2015. As per the decree, respondent-plaintiff was required to deposit the balance sale consideration within a period of one month. Decree-holder filed an application for deposit of the amount on 25.05.2015. However, it was pointed out that the suit has been decreed with cost and the cost assessed by the Court including Court fees comes to Rs.49,222/-. Hence, he may be permitted to deposit the balance sale consideration i.e. Rs.1,00,788/-, after adjusting Rs.49,222/- and the court allowed the application. The amount was deposited within a period of one month i.e. 26.05.2015.

Learned counsel for the objector has submitted that the decree for specific performance has not been complied with as the decree-holder

was required to deposit Rs.1,50,000/- and adjustment of Rs.49,222/- was not permissible.

It is not in dispute that decree-holder even offered to deposit remaining amount. Learned trial Court after appreciating the facts available on the file, dismissed the objection petition.

This Court has heard learned counsel for the petitioner at length and with his able assistance gone through the paper-book.

Learned counsel for the petitioner has vehemently argued that the decree-holder was required to pay Rs.1,50,000/- within a period of one month from the date of decree of the suit and since the decree-holder has failed to comply with the same, hence, his suit be deemed to have been dismissed.

This Court has considered the submission, however, do not find any substance therein. Once the suit filed by the decree-holder was decreed with cost, the decree-holder was entitled to adjust the amount, recoverable from the judgment-debtor. This issue has already been examined by this Court while deciding Civil Revision No.6424 of 2017 decided on 06.12.2017. In view of the detailed reasons given therein, this Court does not find any good ground to interfere with the impugned order passed.

Revision petition is dismissed.

22.03.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No