

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

**CR-4693-2015 (O&M)
Date of decision : 6.3.2018**

Jatinder Chopra

..... Petitioner

Versus

Chanchal Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Namit Gautam, Advocate for the petitioner.

Mr. Kunal Mulwani, Advocate for respondent No. 1.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 27.2.2015 (Annexure P-6), passed by learned Civil Judge (Senior Division), Jalandhar, vide which an application filed by the petitioner under Section 151 of the Code of Civil Procedure, 1908 (for short 'the CPC') for extension of time to deposit the balance sale consideration was dismissed.

Heard.

Learned counsel for the petitioner contends that in a decree for specific performance and permanent injunction, no time/direction was granted to deposit the balance amount. Accordingly, petitioner moved an application and vide order dated 24.5.2014 (Annexure P-4) passed by learned Civil Judge (Senior Division), Jalandhar, petitioner was granted 30 working days to deposit the balance sale consideration.

Learned counsel for the petitioner further contends that as he has wrongly noted the date as 22.7.2014, he moved another application under Sections 152 and 153 of the CPC for rectifying the typographical error in the judgment and decree. Learned trial Court declined to extend the time.

It comes out that vide order dated 27.7.2015, this Court had permitted the petitioner to deposit the balance sale consideration subject to the final outcome of this petition. It also comes out that appeal against the said judgment is also pending.

Learned counsel for respondents has stated that in the judgment and decree dated 6.3.2013, passed by learned Civil Judge (Senior Division), Jalandhar, no relief for specific performance of the contract was granted. Therefore, the amount could not be deposited. He further contends that under the garb of the application, petitioner want to get the relief of specific performance incorporated in the said judgment and decree.

I am of the view that since the appeal against the said judgment and decree is pending it will not be appropriate to comment upon the merits of the judgment and decree dated 6.3.2013, passed by learned Civil Judge (Senior Division), Jalandhar. The short question before the Court is as to whether time is to be extended for depositing the balance sale consideration?

I am of the view that if due to one or the other reason, petitioner could not deposit the balance sale consideration, the Court is always competent to extend the time. The balance sale consideration has already

been deposited in terms of the interim order passed by this Court on 27.7.2015, therefore, present revision petition is allowed. Time for extending the balance sale consideration stands extended upto one week, after the passing of the order dated 27.7.2015.

Respondents will always be at liberty to raise appropriate objection(s) before the Appellate Court or Executing Court.

(KULDIP SINGH)
JUDGE

6.3.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No