

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

CR No. 4843 of 2018(O&M)

Date of decision: 03.10.2018

Jarnail Singh

.. Petitioner

vs.

Pawan Kumar

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Amandeep Singh Jawandha, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

This revision petition has been filed by the defendant-Judgment Debtor impugning the order dated 6.7.2018 of learned Civil Judge (Junior Division), Nabha whereby his objection petition has been dismissed.

The plaintiff-respondent(Decree Holder) had filed a suit for specific performance on the basis of agreement to sale in respect of agricultural land measuring 19 kanals 6 marlas. The suit was decreed. Vide judgement and decree dated 13.5.2014, the defendant was directed to execute the sale deed in favour of the plaintiff within two months after receiving the balance sale consideration from the plaintiff. The total sale consideration in terms of the agreement to sell was ₹10,44,000/-. Admittedly an amount of ₹7,23,000/- had been received by the defendant as earnest money and the balance sale consideration was ₹3,21,000/-.

The plaintiff-Decree Holder filed a challan form for an amount of ₹3,16,500/- on 11.7.2014 and deposited that amount on 14.07.2014. The defendant filed objection contending that as the balance sale consideration was ₹3,21,000/- but the amount deposited was only ₹3,16,500/-, there was a shortfall of ₹5000/-, hence the decree had become un-executable.

Learned trial Court dismissed the objections holding that in term of the judgment and decree of the trial Court, the defendant (petitioner herein) was required to execute the sale deed in favour of the plaintiff (respondent) in terms of the agreement to sell within a period of two months from the date of the order after receiving the balance sale consideration. There was no specific direction to the plaintiff to deposit the amount within a period of two months. However, the plaintiff had already deposited an amount of Rs.3,16,500/- and only a meagre amount of ₹5000/- was left, which the plaintiff had offered to deposit.

There is no infirmity in the impugned orders.

Dismissed.

03.10.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No