

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CR No.7267 of 2017 (O&M)

Date of decision: 08.03.2018

Ravinder Pal Singh

..... Petitioner

Versus

Sikander Singh (since deceased) through
his LRs and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Shekhar Verma, Advocate
for the petitioner.

Mr. Namit Gautam, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Limited prayer made in the revision petition is for issuing direction to the Executing Court to decide the application under Order 47, Rule 1, CPC.

This case has a checkered history and the learned trial Court while deciding the suit has passed strictures against the plaintiffs which are extracted as under:-

“The suit for specific performance of the plaintiff be decreed and direction be given to the plaintiff to deposit the balance sale consideration in the court within a reasonable specified time w.e.f. 21.07.2015 and get the sale deed executed and registered in execution through the court only. As the plaintiff is playing hide and seek and are not ready and willing to take the decree as claimed by them in the suit, which is also apparent from the conduct of the plaintiff every since 21.07.2015, the date when the defendants admitted the claim of

the plaintiffs. The defendants have already produced latest jamabandi on the court file. The legal heirs of Sikander Singh have also suffered the statement that Satwant Singh son of Sikander Singh is successor in interest of Sikander Singh. The ownership of Mohinder Singh and Satwant Singh is duly recorded in the latest jamabandi. The plaintiff is finding novel excuses to keep the matter pending and hanging. There is no terms in the agreement Ex.P-1 for demarcation or partition. The land agreed to be sold is 5 acre out of 10 acre described in the agreement Ex.P1 and so is the claim of the plaintiff in the title of the suit. The half share of 10 acres was agreed to be sold and the half front will be given to the plaintiff which comes to 330' approximately. It was also described in the agreement that the front given will be 330 approximately or whatever is the half of the total front of ten acres. It is wrong that the plaintiff is in possession of sufficient funds towards the balance sale consideration as no documentary evidence has been placed on the court file by the plaintiff.”

The execution of the decree passed on the basis of concession given by the defendants is being delayed for no justifiable reason.

Now the petitioner has come up in revision petition asserting that this Court vide order dated 17.10.2017 directed disposal of certain applications in a time bound manner. Grievance of the petitioner is that his application has not been disposed of.

On the other hand, learned counsel for the respondents has vehemently submitted that under this pretext, decree-holder is avoiding to pay the balance sale consideration as directed by the Civil Court.

Be that as it may, since the limited grievance of the petitioner is to direct the trial Court/Executing Court to dispose of the application under Order 47 Rule 1, CPC which is stated to be pending, the trial Court is directed to dispose of the same within 15 days from the date of receipt of

certified copy of this order.

Needless to say that the direction issued by this Court in this order would not amount to extension of time to pay balance sale consideration.

Revision petition is disposed of.

08.03.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No