

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

**CR No. 963 of 2018 (O&M)
Date of Decision: 24.05.2018**

Gurnam Singh and another

...Petitioners

Versus

Taranjit Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Madan Bhandari, Advocate for
Mr. N. K. Manchanda, Advocate
for the petitioners.

Mr. Sandeep Khunger, Advocate
for the respondents.

KULDIP SINGH J. (Oral)

Impugned in the present revision is the order dated 15.01.2018 (Annexure P-3), passed by learned Additional Civil Judge (Sr. Divn.), Moga, whereby in the execution of decree for specific performance, the trial Court refused to extend the time for a period of six months for payment of balance amount by six months as prayed by the decree holder under Section 148 of the Code of Civil Procedure, 1908.

From the judgment and decree dated 08.09.2017 (Annexure P-1), it comes out that while deciding the suit, the defendants/respondents were directed to execute the sale deed within a period of two months from the date of order, failing which, the plaintiffs were held entitled to get the sale deed executed and registered through Court of law. The said balance consideration was not deposited and an application was filed on

24.11.2017 by the plaintiffs/petitioners for extension of time by six months on the ground that the decree holder could not arrange the funds.

Learned counsel for the respondents has pointed out to the stand taken in the written statement wherein they have stated that they are ready to execute the sale deed but the plaintiffs are not ready to get the sale deed executed. Even today, learned counsel for the respondents stated that the respondents have no objection if the time is extended by this Court subject to payment of interest on the balance sale consideration.

I have heard learned counsel for the parties and have also perused the impugned order.

On account of the 'no objection' raised by the respondents, the time for depositing the balance sale consideration is extended by one month from today, subject to payment of interest @ 12% per annum on balance sale consideration, i.e. ₹56,55,000/-, starting from the date of judgment and decree i.e. 08.09.2017 till the date of payment. On the deposit of balance sale consideration with interest, the decree holder can get the sale deed executed through process of Court. It is made clear that if the said balance sale consideration with interest is not paid within said one month, the decree holder shall not be entitled to any further extension and the decree will become inexecutable.

The present civil revision petition is disposed of, accordingly.

Since the main revision is disposed of, civil miscellaneous application, if any, shall also stand disposed of.

24.05.2018
Waseem Ansari

(KULDIP SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No