

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8657 of 2017 (O/M)
Date of decision : 14.5.2018

Dilbagh Singh and another

..... Petitioners

Versus

Mann Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Rangi, Advocate,
for petitioners.

Mr. Ravneet, Advocate, for,
Mr. Gaurav Soni, Advocate, for respondent.

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 ?

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KULDIP SINGH J. (ORAL)

Heard.

It comes out that a decree for specific performance was passed in favour of dechreeholder-plaintiff, vide judgment and decree dated 30.9.2015, passed by learned Additional Civil Judge (Senior Division), Rupnagar. Trial Court directed the DH-plaintiff to deposit balance sale consideration alongwith requisite expenses within two months from the date of judgment. The appeal was decided on 2.2.2017. The learned District Judge, Rupnagar, granted one month's time to DH-plaintiff to deposit balance sale consideration. However, DH-plaintiff filed an application dated 15.3.2017 for extension of time with a request to allow him to deposit balance sale consideration. The Executing Court, while entertaining the execution, allowed to deposit balance sale

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consideration, as per order of appellate authority, vide order dated 15.3.2017. Balance sale consideration is stated to have been deposited on 3.7.2017. The petitioner has impugned said order dated 15.3.2017 as well as subsequent order dated 26.9.2017, vide which his objections to said order were dismissed.

I am of the view that in present case, petition filed by present petitioner under Section 28 of Specific Relief Act, 1963, for rescinding contract is pending. Therefore, it is not deemed proper to comment on merits of case. As such, present revision is disposed of with a direction to trial Court to decide petition under Section 28 of Specific Relief Act, 1963, independent of the view taken by it, in impugned order and dispose of same within three months from the date of receipt of certified of this order excluding summer vacations. In the meanwhile, till disposal of petition under Section 28 of Specific Relief Act, 1963, Executing Court shall not order execution of sale deed.

(KULDIP SINGH)
JUDGE

14.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No