

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

RSA No.2659 of 2015

Date of Decision.08.02.2018

Amandeep Singh

.....Appellant

Vs

Ravinder Singh and another

....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sherry K. Singla, Advocate
for the appellant.

AMIT RAWAL J.(ORAL)

Learned counsel appearing for the appellant-defendant No.2, submits that the suit for specific performance of the agreement to sell dated 25.06.2007 was decreed in favour of the plaintiff-Ravinder Singh but the execution application was dismissed for want of deposit of the amount as specified in the decree i.e. within the stipulated period. Therefore, it has become inexecutable.

In view of the aforementioned, no cause of action survives in the regular second appeal as provisions of Section 148 CPC are not applicable for the extension of time. He has placed on record copy of the order dated 5.10.2016 whereby the execution application has been dismissed. Certified copy of the same is taken on record.

Resultantly, the regular second appeal is dismissed as having become infructuous. However, in case the order dated 5.10.2016 is set aside, liberty is granted to the appellant to revive the second appeal.

**(AMIT RAWAL)
JUDGE**

February 08, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No