

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 6836 of 2016 (O&M)

Date of decision: 11.4.2019

CHAMAN LAL

.....petitioner

Versus

SATPAL & ORS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Naveen Batra, Advocate,
for the petitioner.

Mr.Vipul Dharmani, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

Petitioner has preferred this revision petition challenging order dated 23.2.2015 passed by Additional Civil Judge (Sr.Divn.), Anandpur Sahib, vide which the application filed under Section 148 CPC for depositing the balance sale consideration was dismissed.

On the basis of agreement to sell dated 13.2.2003 a suit for specific performance was decreed by the trial Court vide judgment and decree dated 22.12.2010. Defendant No.1 was directed to execute the sale deed after receiving balance sale consideration in respect of land measuring 2 kanals 3 marlas within a period of two months from the date of judgment and

decree, failing which the plaintiff was given the right to get the sale deed executed through process of the Court within a period of 2 ½ months. The sale deed was not executed nor any application was filed by the plaintiff under Section 148 CPC within the prescribed time of 30 days.

It is a settled principle of law that the Court granting decree may, in its discretion, from time to time enlarge such period not exceeding 30 days in total. The time granted in the original decree has already expired though the Court has inherent power to extend the time given beyond 30 days in order to prevent failure of justice. The Court can fix the time for doing an act and it has jurisdiction to extend the time when a case is made out for such extension as the power to fix the time for doing an act includes power to extend such period, if defaulting party makes out a case to the satisfaction of the Court. The reason for filing the application under Section 148 CPC after a period of 2 ½ years is stated to be a domestic problem without elaborating the same with reference to any cogent material. The plaintiff could not deposit the balance sale consideration within the time prescribed in the decree nor any sufficient reason has come forth to seek extension of time of more than 2 ½ years. The delay has not been explained satisfactorily which is sine quo non before extension of time.

In view of facts and circumstances of the case, no indulgence can be granted in favour of the petitioner as he has failed to show any sufficient cause to act in accordance with law.

This revision petition is accordingly dismissed.

April 11, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking	Yes/No
Whether reportable	Yes/No