

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

CR-650-2019 (O&M)

Date of decision: 27.08.2019

Mehar Singh

...Petitioner

Versus

Bir Bhan and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Munfaid Khan, Advocate for
Mr. A.K. Jain, Advocate for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against order dated 11.01.2019, passed by Civil Judge (Sr. Divn.) Jind, vide which, an application under Section 28(1) of Specific Relief Act for rescission of contract dated 20.08.2005 has been dismissed.

Briefly stated facts of the case are that plaintiff/decreed holder Ram Kishan had filed a suit for specific performance of agreement to sell against defendant Mehar Singh, which was decreed and the defendant was directed to execute the sale deed within a period of two months after receipt of balance sale consideration amount. The defendant preferred Regular Second Appeal before this Court, however, the appeal so filed against judgment passed by Addl. District Judge, Jind was dismissed on 25.01.2017 and appellant/defendant was directed to get the sale deed executed and registered on receipt of

balance sale consideration amount within two months, failing which the plaintiff/decreed holder could get the sale deed executed through Court. The plaintiff had deposited the balance sale consideration amount in the Court on 24.09.2017. The defendant/judgment debtor had filed an application under Section 28(1) of Specific Relief Act, contending that since the DH had not paid the balance sale consideration amount of Rs.2,40,000/- within the stipulated time, the agreement to sell in question stood rescinded. The decree cannot be executed. The application was resisted by the plaintiff/DH. The trial Court, vide a detailed, well reasoned order dismissed the application, observing that it was defendant/JD who was prolonging the matter, avoiding execution of the sale deed on one pretext or the other and the legal representatives of deceased decree holder had deposited the balance sale consideration amount of Rs.2,40,000/- in the Court by moving an application which was allowed by the Court and that the deposit was within requisite time after LRs of deceased/DH were got impleaded. Therefore, minor delay was liable to be condoned by way of extension of time in terms of Section 28 of the Specific Relief Act. Various judgment by the Apex Court in support of that contentions have been referred to.

I have heard learned counsel for the revisionist besides going through the record and I find the order to be well reasoned, not suffering from any illegality or infirmity, much less apparent on the face of it. The order is certainly not perverse or passed in violation of

settled legal provisions. There is no reason to upset the order by exercising revisional jurisdiction. Finding no merit in the revision petition, the same stands dismissed.

27.08.2019

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(H.S. MADAAN)
JUDGE

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