

CR No.5703 of 2019

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5703 of 2019

Date of decision: 30.09.2019

Sudershan Goel

...Petitioner

Versus

Amit Aggarwal

...Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Pankaj Jain, Advocate and
Mr. Shreenath A. Khemka, Advocate for the petitioner.

B.S. WALIA, J. (Oral)

1. Challenge in the revision petition is to order Annexure P/1 dated 27.08.2019, passed by the learned Addl. Civil Judge (Senior Division), Chandigarh, in Civil Suit No.2791 of 2018, dismissing the application filed by the petitioner-defendant for directing the respondent-plaintiff to deposit the balance sale consideration in Court.
2. Notice of motion.
3. Mr. Santosh Sharma, assisting counsel to Mr. Akshay Bhan, Senior Advocate, accepts notice on behalf of the respondent and states that the respondent-plaintiff is willing to deposit the balance sale consideration in the trial Court by 31.10.2019 with the condition that the petitioner-defendant be permitted to withdraw the same only on execution of the sale deed and handing over possession of the property in dispute to the respondent-plaintiff. The same satisfies learned counsel for the petitioner-defendant, who states that on the respondent-plaintiff depositing the balance sale consideration on or before 31.10.2019 before the learned trial Court, the petitioner-defendant shall execute the sale deed within a period of one month thereafter and hand over the possession of the premises in

question to the respondent-plaintiff and thereafter will withdraw the amount so deposited before the learned trial Court.

4. Learned counsel for the petitioner further states that the sale deed would be executed either by the petitioner or through local commissioner got appointed from the learned trial Court. In the light of aforementioned stand of learned counsel for the petitioner, learned counsel for the respondent-plaintiff states that in case sale deed is executed by a person other than the petitioner-defendant, then in that eventuality additional expenses, if any, incurred be ordered to be borne by the petitioner-defendant. In response thereto, learned counsel for the petitioner states that the petitioner would execute the sale deed himself and in the eventuality of execution of sale deed by a person other than the petitioner, additional expenses, if any, payable would be borne by the petitioner-defendant. The same satisfies learned counsel for the respondent-plaintiff.

5. In the light of the position as noted above, impugned order Annexure P/1 dated 27.08.2019 is set aside and revision petition disposed of by directing the parties to put in appearance before the learned trial Court on the date already fixed i.e. 21.10.2019 for further proceedings in accordance with law, by moving appropriate application in terms of the statement made by counsel for the parties as referred to above.

(B.S. WALIA)
JUDGE

30.09.2019

rajesh.k.khurana

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |