

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-386 of 2021(O&M)
Date of decision: 20.07.2022

Gurcharan Singh

..Petitioner

Versus

Joginder Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner is a decree holder. A decree for specific performance of the agreement to sell with respect to land measuring 1 kanal has been passed on 29.01.2020. The operative part of the decree reads as under:-

“The suit of the plaintiff is hereby decreed with costs for specific performance of agreement to sell dated 17.6.2014 of land measuring 1 Kanal out of land measuring 01 Marla 10 Marlas bearing Khata no.198/299 2/2 and khasra no.289 (0-18) and 290(0-12) vide jamabandi 2011-2012 situated in the area of village Sajawalpur H.B.No.170 Tehsil Balachaur, District S.B.S. Nagar along with all sorts of rights appurtenant thereto, along with right of passage for a sum of Rs.3,50,000/- in lump sum after deducting a sum of Rs.2,50,000/-, i.e earnest money paid by plaintiff to defendant no.1 and further defendant no.2 is hereby directed to join the defendant no.1 in executing a sufficient instrument of sale deed in favour of plaintiff and to do all the necessary acts for the same and to put the plaintiff in possession of the aforesaid property as owner thereof with consequential relief of permanent injunction restraining the defendant no.2 from further alienating the suit land, in any manner whatsoever, to any other person, except the plaintiff. Defendants no.1 and 2 are directed to execute and get registered the sale deed of suit property as fully detailed in the head note of the plaint, in favour of plaintiff on receipt of remaining sale consideration within two months, failing which the plaintiff will be entitled to get the sale deed executed and registered in his favour

through agency of the Court and in that event, plaintiff is directed to deposit the remaining sale consideration in the court in the next two months. Suit of the plaintiff is accordingly decreed, with costs.”

The defendants were ex-parte in the suit. As per the office report, respondent no.1 has been duly served with the notice but respondent no.2 is reported to be settled outside the country. Respondent no.2 is respondent's no.1 son. However, respondent no.1 also remained unrepresented.

The Executing Court has dismissed the application filed by the petitioner for extending the period for deposit of the amount on account of rise in the cases due to the Covid-19 pandemic. It is evident that the decree provides that the defendants will have to execute the sale deed within a period of 2 months from the date of judgment and decree on receipt of the balance sale consideration. However, if the defendants fail to execute the sale deed, the plaintiff shall be entitled to get the sale deed executed and registered through the agency of the Court on deposit of the remaining sale consideration in the next two months. Thus, the plaintiff was required to deposit the amount within a period of 4 months from the date of judgment and decree dated 29.01.2020, in case, the defendants failed to execute the sale deed.

The petitioner claims that he went abroad on 02.03.2020 and due to lockdown because of the Covid-19 pandemic, he could not deposit the amount for a period for nearly 4 months. He landed back in India on 04.07.2020, but was quarantined. He filed an application on 14.09.2020, which has been dismissed by the Court.

During the Covid-19 pandemic, the entire world has faced

unprecedented crisis. The Hon'ble Supreme Court has directed that the aforesaid period shall be excluded while calculating the limitation period.

In this case, the application was filed without the loss of further time . As per the decree passed, out of total sale consideration of Rs.3,50,000/-, the petitioner paid Rs.2,50,000/- as the earnest money. Hence, the remaining amount that is payable is Rs.1,00,000/-.

Keeping in view the aforesaid facts, the period for deposit of the amount is extended by another month, from today, positively. The petitioner shall be liable to deposit the balance amount along with interest @ 12% per annum.

The revision petition stands disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

July 20th, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>