

CR-3468 of 2023

2023:PHHC:120872

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

CR-3468 of 2023

Date of decision: 13.09.2023

Baldev Singh

.....Petitioner

vs.

Gurvinder Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajesh Bhatheja, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been filed by the petitioner-judgment debtor under Article 227 of the Constitution of India challenging the order dated 20.05.2023 (Annexure P-5) passed by learned Civil Judge (Senior Division), Moga, in case bearing No.CM-143-2018 titled “Gurvinder Singh v. Baldev Singh”, whereby application filed by the respondents-decree holders for extension of time to deposit remaining sale consideration amount as per judgment and decree dated 19.03.2016 passed by learned Civil Judge (Senior Division), Moga, has been allowed and respondents have been granted time of seven days to deposit the said amount and Manager of OBC Bank has been directed to accept the mortgage amount with interest upto date on the part of the petitioner-judgment debtor as per judgment and decree dated 19.03.2016.

2. Brief facts relevant for the disposal of the present case are that respondents/plaintiffs filed a suit for possession by way of specific performance of agreement to sell dated 02.12.2014 directing the

petitioner/defendant to execute a registered sale deed in favour of plaintiffs in respect of land measuring 14 kanals out of the land fully described in the headnote of the plaint and in the alternative, relief of recovery of Rs.21,00,000/-, including refund of earnest money of Rs.18,50,000/- as damages and compensation for the breach of contract along with *pendent lite* and future interest at the rate of 18% per annum from the date of agreement till actual realization, was sought. The suit filed by the respondents/plaintiffs was decreed by the trial Court vide judgment and decree dated 19.03.2016. Against the judgment and decree dated 19.03.2016 petitioner filed an appeal, which was dismissed by learned Additional District Judge, Moga, vide judgment and decree dated 16.10.2018. Against the judgments and decrees of the Courts below, the petitioner filed Regular Second Appeal before this Court, which is pending consideration. Respondents/decreed holders filed an application before the Court of learned Civil Judge (Senior Division), Moga, for directing the Oriental Bank of Commerce Branch GT Road, Moga, near Akalsar Road, Moga, to accept the mortgage amount with interest upto date on the part of petitioner/judgment debtor as per judgment and decree dated 19.03.2016 and further for extension of time to deposit the amount. The said application has been allowed by the learned Civil Judge (Senior Division), Moga, vide impugned order dated 20.05.2023 and respondents have been granted seven days' time to deposit the said amount and Manager of the concerned bank has been directed to accept the mortgage amount with interest upto date on the part of the petitioner as per judgment and decree dated 19.03.2016.

3. Learned counsel for the petitioner contended that the Court below has wrongly and erroneously allowed the application of the respondents for extension of time to deposit the remaining sale consideration amount. He further contended that respondents were given two months' time to deposit the remaining sale consideration amount, however, they failed to comply with the judgment and decree dated 19.03.2016. He further contended that the application filed by the respondents was time-barred. He further contended that the trial Court had no power to extend the time to deposit the amount. He further contended that the impugned order suffers from irregularities and illegalities, therefore, the same is liable to be set aside.

4. I have heard learned counsel for the petitioner and perused the record.

5. Admittedly, the suit filed by the respondents for possession by way of specific performance was decreed by the learned trial Court vide judgment and decree dated 19.03.2016 and the petitioner/defendant was directed to execute the sale deed within a period of one month from the date of judgment and decree after clearing the loan amount and after clearance of loan amount by the petitioner, on intimation of the same by the petitioner, respondents/plaintiffs were to deposit the remaining sale consideration within one month thereafter and in the alternative, respondents/plaintiffs were held entitled to get the sale deed executed after clearance of loan amount from remaining sale consideration within another one month. Against the said judgment and decree dated 19.03.2016, the petitioner preferred appeal, which was dismissed by the learned Appellate

CR-3468 of 2023

2023:PHHC:120872

Court on 16.10.2018. Perusal of the record shows that respondents filed application for extension of time to deposit the remaining sale consideration within two months from the date of judgment and decree dated 16.10.2018. Therefore, contention of the learned counsel for the petitioner that application was time-barred is mis-conceived. It is a well accepted principle statutorily recognised in Section 148 of the Code of Civil Procedure that where a period is fixed or granted by the Court for doing any act prescribed or allowed by the Code, the Court may in its discretion from time to time enlarge such period even though the period originally fixed or granted may have expired.

6. The impugned order passed by the Court below is quite detailed and well-reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

13.09.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No