

CR-5979 of 2023

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

CR-5979 of 2023

Reserved on: 09.10.2023

Pronounced on: 31.10.2023

Anil Gupta

.....Petitioner

Versus

Geeta Devi

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: -Mr. Gurcharan Dass, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 20.05.2023 passed by the Executing Court in execution No.531/2021 dated 01.10.2021 titled as 'Anil Gupta Vs. Geeta Devi', whereby application for extension of time filed by the petitioner to deposit balance consideration, has been dismissed.

2. The facts necessary for disposal of the present case are to the effect that the petitioner filed a suit for possession by way of specific performance qua the agreement to sell dated 25.09.2012 with respect to the property, as mentioned in the head-note of the plaint. The aforesaid suit, vide judgment and decree dated 20.08.2019 passed by learned Civil Judge (Senior Division), Ludhiana, was decreed, directing the petitioner to deposit the balance sale consideration of Rs.4,50,000/- within period of two months failing which the decree would have no effect. Petitioner filed execution application being

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Execution No.531 dated 01.10.2021 along with an application for permission to deposit the balance sale consideration. The said application has been dismissed by the Executing Court vide impugned order dated 20.05.2023.

3. Learned counsel for the petitioner contended that findings recorded by the Executing Court are erroneous and against the law. He further contended that the petitioner was not aware of the technicalities of law, therefore, the delay in filing the execution application was unintentional. He further contended that no prejudice would be caused to the respondent-judgment debtor if the petitioner-decree holder is allowed to deposit the balance sale consideration. In support of his contentions learned counsel for the petitioner placed reliance on the judgment of Hon'ble Supreme Court in ***Chanda (dead) through LRs v. Rattni and another, 2007(2) R.C.R.(Civil) 534*** and this Court in ***Mohinder Singh v. Satpal Singh, 2010(42) R.C.R.(Civil) 867; Karnail Singh and another v. Harinderpal Singh Khosa and others, 2005(1) R.C.R.(Civil) 78; Mohinder Singh v. Gurdial Singh, 1996(3) R.C.R.(Civil) 679*** and ***Jagan Nath and another v. Lekh Ram, 2000(1) CurLJ 418.***

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

5. Suit of the petitioner-plaintiff was decreed by the trial Court on 20.08.2019 with direction to the petitioner to deposit the balance sale consideration within a period of two months. It was made clear that in case of failure of the petitioner-decree holder to deposit the

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balance sale consideration, the decree would have no effect. However, petitioner slept over the matter and failed to deposit the balance sale consideration and after two years he filed execution application along with application for permission to deposit the amount. Petitioner did not opt to deposit the balance sale consideration as per decree for the reasons best known to him. It is not open to a party to dictate the terms when a specific direction was issued by the Court in its order. If a party wilfully flouts the order of the Court, it cannot expect any equitable relief from the Court and it must be made to bear the consequences of its action. After having obtained an order, the parties cannot be allowed to sleep over its compliance. No benefit of the judgments cited by learned counsel for the petitioner can be given to the petitioner as same are not applicable to the facts and circumstance of the present case.

6. The impugned order passed by the Executing Court is 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.

31.10.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No