

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

140

CR-1454-2024 (O&M)

Date of decision:18.03.2024

Gurnek Singh

... Petitioner

Vs.

Balbir Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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

...

SUKHVINDER KAUR, J. (ORAL).

1. The instant revision petition has been filed by the petitioner/defendant/JD against the order dated 14.02.2024 (Annexure P-6) passed by the Civil Judge, Junior Division, Yamuna Nagar at Jagadhri vide which the application under Section 148 CPC for extension of time for depositing the balance sale consideration filed by the respondent/plaintiff/ DH has been allowed with a further prayer that a direction be issued to the District Judge, Yamuna Nagar to decide the application filed by the petitioner for staying of the operation of the impugned judgment and decree dated 12.02.2020.

2. The material facts required for the purpose of adjudication of the instant revision petition are that the respondent/plaintiff/DH filed a suit for possession by way of specific performance of agreement to sell dated 24.11.2015 executed by the defendant in favour of the plaintiff which was decreed by the trial Court vide judgment and decree dated 12.02.2020 and the petitioner/defendant was directed to execute the sale deed in favour of the plaintiff after receiving the remaining amount of sale

consideration within three months from the date of decree. Aggrieved against such judgment and decree dated 12.02.2020, petitioner/defendant/JD filed an appeal before the Appellate Court, Yamuna Nagar at Jagadhri. During the pendency of the said appeal, respondent/plaintiff filed an execution application for executing judgment and decree dated 12.02.2020 before the Executing Court. In the said execution application, the plaintiff/DH filed an application under Section 148 CPC for extension of time for depositing the balance sale consideration to the tune of Rs.6,65,625/-, which was allowed by the Executing Court vide order dated 14.02.2024 and the decree holder was granted 15 days more time to deposit the amount of Rs.6,65,625/-. Aggrieved against such order, the petitioner has knocked the doors of this Court by way of filing of the present revision petition.

3. Learned counsel for the petitioner has contended that as appeal filed by the petitioner is still pending before the Appellate Court, so if the respondent/DH would succeed in getting executed the sale deed of the suit property, then the appeal filed by the petitioner would become infructuous and has submitted that the order dated 14.12.2024 passed by the Executing Court may be set aside.

4. I have heard learned counsel for the petitioner at length and have perused the records.

5. Perusal of the impugned order reveals that the plea taken by respondent was that earlier the DH could not deposit the balance sale consideration within the prescribed time period as he remained admitted in hospital from 04.10.2023 to 14.10.2023 and was further advised bed

rest for one week from 15.10.2023 to 21.10.2023. The DH also placed on record certificate issued by doctor of Arya Hospital in this regard. After considering the same and also the fact that there was no such rider in the judgment that in the event of non-depositing of amount i.e. balance sale consideration within the stipulated time of three months, the decree would have the effect of nullification, the application of the DH for extension of time under Section 148 CPC was allowed and another time for 15 days was granted to deposit the amount of balance sale consideration. Section 148 CPC provides for extension of time and which reads as under:

“Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Code, the Court may, in its discretion, from time to time, enlarge such period (not exceeding thirty days in total), even though the period originally fixed or granted may have expired.”

6. In the given circumstances of the present case and after considering that there was no specific rider in the judgment, the trial Court has rightly extended the time for depositing the balance sale consideration.

7. Learned counsel for the revision petitioner has not been able to point out any illegality or irregularity apparent in the impugned order.

8. Being bereft of any merit, the present revision petition is dismissed.

9. Pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

18.03.2024
harjeet

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