

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

128

2024:PHHC:062335

CR-2584-2021

Date of decision: 06.05.2024

RASEED

..Petitioner

Versus

MAMNI

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. Despite receipt of notice, the respondent remains unrepresented.
2. The petitioner herein is the judgment debtor. In a suit for possession by way of specific performance of the agreement to sell, judgment and decree was passed on 28.07.2011, in favour of respondent. It was directed that the decree holder will pay the balance sale consideration within a period of one month. In fact, the suit property was mortgaged for Rs.33,000/-. In execution petition, the decree holder deposited Rs.21,000/- on 25.08.2011. The petitioner filed objection petition claiming that the decree holder was not ready and willing to perform his part of the contract. The Executing Court has dismissed the objection petition.
3. At this stage, the learned counsel representing the petitioner submits that the decree holder is required to pay an additional amount of Rs.33,000/-, which is the amount of mortgage money.
4. This Court has considered the submissions of the learned counsel representing the petitioner.
5. Before the Executing Court, the petitioner has prayed for dismissal of the execution petition on the ground that the decree holder was not ready and willing to perform his part of the contract.

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6. The learned counsel representing the petitioner has failed to point out any error in the aforesaid finding of the Executing Court. However, it appears that the petitioner produced a copy of the mutation dated 25.07.2006, evidencing redemption of mortgage.

7. In these circumstances, the revision petition is disposed of with liberty to the petitioner to file an application before the Executing Court to prove that he has already redeemed the mortgage, therefore, he is entitled to the amount of mortgage money.

8. If such application is filed, the same shall be disposed of within a period of two months.

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

May 06th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No