

150 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3220-2023(O&M)
Date of decision :22.02.2024

Vikas Jain ...Petitioner

Vs.

Har Kishan Singh and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Partap Singh, Advocate
for the petitioner.

Mr. Sunil Bindlish and Mr. Samir Bhalotra, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

1. The plaintiff assails the correctness of the following part of the
order dated 21.04.2023:-

“However, it is made clear that if plaintiff failed to perform his part of contract in terms of aforesaid agreement as well as directions issued by this court, then earnest money i.e. Rs.1,45,00,000/- shall stands forfeited and suit of the plaintiff shall deemed to be dismissed with costs. It is further made clear that if defendants failed to perform their part of contract in terms of aforesaid agreement as well as directions issued by this court on the date fixed, then suit of the plaintiff shall deemed to be decreed with costs. Application in hand is hereby disposed off accordingly. Copy of this order be also sent to Sub Registrar, Hodal for necessary information. Now, case is adjourned to 07.07.2023 for compliance as well as for report.”

2. In order to comprehend the issue involved in the present case,
some facts are required to be noticed.

3. The plaintiff filed a suit for possession by way of specific performance of agreement to sell claiming that the defendants entered into the agreement to sell on 05.03.2021. Defendants entered appearance in the suit and claimed that they are prepared to execute the sale deed as per the agreement to sell. At that stage, the Court passed the order directing the parties to execute the sale deed in terms of the agreement to sell. However, while passing the order, the Court made the observations, which have already been extracted.
4. The plaintiff immediately came to the High Court and operation of the impugned order dated 21.04.2023 was stayed. Sale deed in terms of directions have not been executed. The trial of the case is yet to commence.
5. At this stage, learned counsel representing the parties have come to a consensus. They have jointly made statements that the trial Court should be permitted to continue with the suit.
6. Keeping in view the aforesaid facts, the observations, which have been extracted above, are set aside. The trial Court would be entitled to draw inference in view of the development, which have taken place during the pendency of the suit.
7. With these observation, the revision petition is disposed of.
8. The parties through their counsel are directed to appear before the trial Court on 08.03.2024.
9. The trial Court is directed to make sincere endeavor for expeditious disposal of the case.

22.02.2024

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Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes	No
Yes	No