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

CR-1531-2022 (O&M)
Date of decision: 28.10.2025

Paramveer Singh

...Petitioner

Versus

Jasmeet Kaur @ Akki

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ivneet Singh Pabla, Advocate for the petitioner.

Mr. Prashant Bansal, Advocate for the respondent.
(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 27.10.2021 (Annexure P-7) passed by the District Judge, Patiala, whereby an appeal preferred against the order dated 01.10.2018 (Annexure P-5) passed by the Civil Judge (Junior Division), Rajpura whereby application for restoration of civil suit for possession by way of specific performance was dismissed, has been dismissed. Further prayer has been made that the order dated 09.11.2015 (Annexure P-2) passed by the Civil Judge (Junior Division), Rajpura be set aside and the civil suit be restored to its original number.

2. The facts of the present case would show that the plaintiff-petitioner has made every endeavour to delay the proceedings in the civil



suit, apparently on account of the fact that the petitioner/plaintiff did not have the balance sale consideration.

3. The plaintiff had filed a suit for possession by way of specific performance of agreement to sell dated 04.01.2011 with respect to land measuring 3 bighas, 9 biswas. It was the case of the plaintiff in the plaint dated 27.12.2014 (Annexure P-1), that the total sale consideration of the said land was Rs.1,24,20,000/-, out of which, the plaintiff had paid earnest money of Rs.31 lacs and was to pay the balance sale consideration on 04.01.2012, for which purpose the plaintiff/petitioner had gone before the Sub-Registrar along with balance sale consideration. The suit was instituted on 02.01.2015 which fact is apparent from the perusal of the impugned order dated 27.10.2021 (Annexure P-7) and which fact has not been disputed before this Court. Thus, the suit was filed just two days prior from the date the limitation period for filing the suit for specific performance would have elapsed.

4. A perusal of the impugned order dated 27.10.2021 (Annexure P-7) would further show that the defendant-respondent had appeared before the trial Court on 26.05.2015 and on the same day, had suffered a statement that she was ready to execute the sale deed in favour of the plaintiff-petitioner in terms of the agreement and the matter was adjourned for the said purpose and on 26.10.2015, learned counsel for the petitioner-plaintiff informed the Court that the petitioner-plaintiff needed more time to get the sale deed executed and accordingly, the trial Court adjourned the case to 09.11.2015. On 09.11.2015, no one appeared on behalf of the plaintiff before the trial Court but the defendant along with her counsel appeared before the



trial Court and she suffered a statement that she was ready and willing to execute the sale deed in terms of the agreement. Since on 09.11.2015, no one had appeared on behalf of the plaintiff/petitioner, thus, the suit was dismissed in default. Order dated 09.11.2015 is reproduced hereinbelow:-

“Present: None for the Plaintiff.

Sh.R.K.Joshi, Advocate for defendant.

Today defendant Jasneet Kaur suffered separate statement that she is ready to execute the sale deed in terms of agreement of sale in favour of plaintiff. On the previous date she was ready and willing to execute the sale deed but the plaintiff has not turned up to get the sale deed executed and registered in his favour.

Case called several times since morning. Neither plaintiff nor any one appeared on his behalf. It is already 3.55 P.M. Therefore, the present Case stands dismissed in default.

File be consigned to Record room.

Pronounced:

Sd/-

Dt.09.11.2015

Gagan Deep Kaur

Civil Judge (Junior Division) Rajpura”

5. The facts mentioned in the order dated 27.10.2021, which have been stated hereinabove, are not disputed before this Court.

6. In para 6 of the plaint, it was plea of the plaintiff that on 04.01.2012, he was ready with the balance sale consideration. The said plea is apparently a false plea, inasmuch as, even in the year 2015, he had been seeking adjournments to get the sale deed executed. Once the defendant had fairly stated that the defendant was ready to execute the sale deed as per the terms of the agreement on the first date of appearance, in case the plaintiff/petitioner had the balance sale consideration, he would have



immediately consented to the same. The petitioner who apparently did not have the balance sale consideration, first sought adjournments and then did not choose to appear nor his counsel chose to appear and got the matter dismissed in default on 09.11.2015. The clever tactic adopted by the petitioner-plaintiff is further apparent from the fact that the application for restoration of the suit was filed on 16.01.2018 after a period of more than 2 years and 2 months from the date the case was dismissed in default on 09.11.2015; although, as per settled law, the said application is required to be moved within thirty days from the date of order of dismissal in default. The plea raised in the application, to the effect that his parents were unwell and that he had made efforts to contact his counsel over the phone for a period of more than two years but could not speak to him, is vague and, on the face of it, an afterthought. No medical evidence of the parents being ill was attached with the application or even with the present revision petition. Moreover, no details of the illness of the parents have been mentioned in the application.

7. Further, in the order dated 01.10.2018 vide which the application filed by the petitioner for restoration had been dismissed, it had been observed by the trial Court that during the said period, the petitioner-plaintiff had been going to the Courts and had been attending other case titled as “M/s National Rice and Dall Mills Vs. Alok Kumar and others” and even the counsel of the applicant-petitioner/plaintiff in that case was same as in the present case. The observations made in para 3 of the said order could not be disputed before this Court nor any document has been annexed to rebut the said aspect.



8. It is thus apparent that apart from the fact that the petitioner-plaintiff was delaying the proceedings, even false pleas had been taken in the application dated 16.01.2018 for restoration of the case. Moreover, it is unbelievable that for a period of more than two years, a person was not able to get in touch with his counsel and could not follow up the case by going to the Courts, even though, on 26.10.2015, counsel for the plaintiff had sought time to get the sale deed executed in view of the fair stand taken on behalf of the defendant/respondent. In the reply filed by the respondent/defendant (Annexure P-4), it was specifically stated that the parents of the petitioner were not sick and only purpose of the petitioner was to delay the proceedings as the petitioner was not ready with money to execute the sale deed.

9. The trial Court while dismissing the application filed by the petitioner for restoration of the case observed that the same had been filed after about two and a half years and that it was the duty of the petitioner-plaintiff to have pursued his case diligently. It was further observed that no justifiable reason had been given by the petitioner to have filed the application after more than a period of two years and two months. Appeal filed by the petitioner was also dismissed vide order dated 27.10.2021. In the said order, it was observed that even the reasons given by the petitioner for seeking condonation of delay were false and that the pleas were only raised by the petitioner to cover up the period of more than two years and accordingly, the Appellate Court dismissed the appeal. Order passed by the trial Court as well as by the Appellate Court are in accordance with law and do not call for any interference.



10. The conduct of the petitioner speaks from the abovesaid facts. It is apparent that the petitioner wishes to indulge in litigation only to keep the property of the respondent in litigation, without even having balance money to execute the sale deed. The present case has exceptional facts. The defendant in a suit for specific performance filed by the petitioner, at the very first instance, made a statement that she was ready to execute the sale deed in accordance with the terms and conditions of the agreement and it is the plaintiff who has been playing hide and seek with the Court. The Coordinate Bench of this Court had issued notice of motion on a limited point on the submissions made on behalf of the petitioner that he was willing to offer market rate prevailing in the area for the property involved. The order dated 27.04.2022 is reproduced hereinbelow:-

“Present : Mr. I.S. Pabla, Advocate for the petitioner.

Learned counsel for the petitioner would contend that the petitioner, even today, is willing to offer the market rate prevalent in the area for the property involved.

Notice of motion only to that limited extent at this stage returnable 17.08.2022.

April 27, 2022.”

11. Thereafter, the matter was referred to the Mediation and Conciliation Centre of this Court. However, the matter was not settled. Counsel appearing on behalf of the respondent has submitted that the price of the suit property has gone up to Rs.5 crore as the agreement was entered into in the year 2011 and a period of more than 14 years has elapsed. It is submitted that no offer to pay the prevailing market price was made by the



petitioner during the mediation proceedings and the only plea taken by the petitioner was that the amount of earnest money, which is liable to be rightly forfeited in the present case, be returned. The said aspect could not be rebutted and shows that the only intention of the petitioner-plaintiff is to keep the matter pending, so as to keep the sword of Damocles hanging over the defendant, to gain some unfair advantage.

12. The Hon'ble Supreme Court in the case of ***“Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil”***, reported as ***(2010) 8 Supreme Court Cases 329***, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.



13. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the impugned orders do not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned orders are upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

28.10.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No