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

CR-7346-2019 (O&M)

Date of Decision : 14.11.2025

Mahipal Singh

... Petitioner(s)

Versus

Karan Singh (deceased) through LRs & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. R.A. Sheoran, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 30.09.2019 vide which the objections filed by the JD-petitioner herein have been dismissed.

2. Brief facts relevant to the present *lis* are that the Trial Court vide an *ex parte* judgment and decree dated 15.01.2014 decreed the suit for specific performance granting the plaintiff-respondent No.1 three months' time to deposit the balance sale consideration. An execution petition was filed on 14.12.2017 and objections were filed by the JD-petitioner herein on the ground that the amount was to be deposited within a period of three months, which was not done, hence, the execution itself ought to have been dismissed. Vide the impugned order dated 30.09.2019 the said objections were dismissed. Hence, the present revision petition.

3. Learned counsel for the JD-petitioner would contend that there is no discussion in the impugned order regarding the delay in depositing the amount. It is further the contention of the learned counsel that when the Trial Court had granted a period of three months, the DH-respondent No.1 could not have been allowed to deposit the money after a period of more than three years without there being any application for condoning the delay in depositing the amount. In support of his contentions, he has relied upon the judgment of the Hon'ble Supreme Court in the case of **P. Shyamala Vs. Gundlur Masthan [2023 (2) RCR (Civil) 135]**.

4. *Per contra* the learned counsel for DH-respondent No.1 would contend that the amount was deposited on 31.10.2019. Learned counsel would further contend that the Executing Court has the power to extend the time under Section 28(1) of the Specific Relief Act, 1963. In support of his contentions he has relied upon the judgment of the Hon'ble Supreme Court in the case of **Ram Lal Vs. Jarnail Singh (Now Deceased) Through Its Lrs & Ors. [2025 SCC OnLine SC 584 = 2025 LiveLaw (SC) 283]**.

5. I have heard the learned counsel for the parties.

6. In the present case, as per the judgment relied upon by the learned counsel for the DH-respondent No.1, though the Trial Court does not become a *functus officio* after the granting of the decree for specific performance and it would retain its power and jurisdiction to deal with the decree till the sale deed is executed and further has been held to have the power to condone the delay. However, in the present case, a perusal of the impugned order reveals that there is no discussion regarding the delay which has occurred in depositing the money. It has also been brought to the notice of the Court that no application was filed for condoning the delay in depositing the money.

7. In view of the above and without commenting on the merits of the case, the present revision petition is allowed and the impugned order stands set aside. The matter is remanded to the Executing Court concerned for a decision afresh on the objections filed by the JD-petitioner in accordance with law.

8. Pending applications, if any, also stand disposed off.

9. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

14.11.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO