



CR-5533-2018 (O&M)

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

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**CR-5533-2018 (O&M)
Decided on :- 20.08.2025**

Kuldeep Singh

...Petitioner

VERSUS

Satbir and Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Gourav Verma, Advocate for the petitioner.

Mr. M.S.Dalal, Advocate for the respondents.

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MANDEEP PANNU J.

1. Present revision petition has been directed against the order dated 03.08.2018 passed by the learned Civil Judge (Junior Division), Kaithal, whereby the application filed by the petitioner under Section 28 of the Specific Relief Act, 1963 for rescission of the contract was dismissed, and the application filed by the decree-holder/respondent for deposit of the balance sale consideration was allowed.
2. Notice of motion was issued. The respondents appeared through learned counsel Sh. M.S.Dalal, Advocate. This Court, vide order dated 17.07.2025, recorded the submission of learned counsel for the respondent that the matter is fully covered by the judgment of this Court in Civil Revision No. 6706 of 2019 and the authoritative pronouncement of the Hon'ble Supreme Court of India in *Balbir Singh and another v. Baldev Singh and others, 2025 INSC 81*. At that stage, learned counsel for the petitioner sought time to examine the said judgment.
3. Today, when the matter was taken up, learned counsel for the petitioner candidly conceded that the judgment of the Hon'ble Supreme Court in *Balbir Singh's case (supra)* squarely covers the controversy in the present petition, and therefore, the matter in issue stands concluded against the petitioner. The only plea raised was that



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some relief may be granted in respect of the interest payable on the balance sale consideration.

4. The contention has been duly considered. The Hon'ble Supreme Court in *Balbir Singh's case (supra)* has categorically held that where a decree for specific performance has been passed by the trial Court granting 20 days' time to deposit the sale consideration, and the decree is affirmed in second appeal by the High Court, the decree of the trial Court merges with that of the High Court. In such a situation, the plaintiff/decree-holder is not obliged to deposit the balance sale consideration within 20 days from the date of the trial Court's decree, but only in terms of the decree as affirmed by the High Court.

5. In view of the aforesaid legal position, the impugned order passed by the trial Court allowing the decree-holder's application for deposit of balance sale consideration and dismissing the petitioner's application under Section 28 of the Specific Relief Act, 1963 cannot be said to suffer from any illegality or perversity.

6. As regards the submission on interest, it may be observed that the question of interest on the balance sale consideration was never an issue before lower Court. In such circumstances, this Court cannot entertain such a plea for the first time in revision, more so when the law stands settled by the Hon'ble Supreme Court.

Conclusion

7. Accordingly, the present civil revision petition stands dismissed. The order dated 03.08.2018 passed by the learned Civil Judge (Junior Division), Kaithal is hereby upheld.

8. Pending application(s), if any, also stand disposed of.

August 20, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No