

PETITIONER:
MD. ALIMUDDIN

Vs.

RESPONDENT:
WAIZUDDIN & ANR.

DATE OF JUDGMENT: 02/02/1997

BENCH:
K. RAMASWAMY, S. SAGHIR AHMAD

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

The petitioner is the judgment-debtor. A decree for specific performance was granted by the Trial Court way back in June 15, 1982 in Title Suit No. 46/1976 which was reversed by the Appellant Court but restored by the High Court. Special Leave Petition was dismissed by this Court. Consequently, the decree for specific performance has become final. It would appear that Trial Court directed the respondents to deposit the balance consideration of Rs.500/- and draft sale deed on or before June 7, 1982. An application for extension with the challenge came to be filed and the same was ordered by the Court on August 20, 1982. The petitioner filed an application under Sec.28 (1) of the Specific Relief Act to rescind the contract. The Trial Court dismissed the petition. On appeal it was confirmed. In the revision also, the High Court confirmed the same. Thus, this Special Leave Petition.

It is true that, as pointed out by Shri Sinha, the learned counsel for the petitioner that the Trial Court while extending the time mentioned that it is at the risk of the plaintiff but having exercised the discretion and allowed the respondents to deposit the balance consideration of Rs. 500/- it amounts to that the Court has extended the time. The respondents in the decree of July 7, 1982. The Courts below, therefore, have rightly exercised the discretion in extending the time for compliance. We do not find any illegality in the exercise of the power. The SLP is accordingly dismissed.