

**HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN**

**Civil Revision Petition No.5563 of 2018**

**ORDER:**

The petitioner has come up with the above revision, challenging an order passed by the trial Court refusing to extend the time for depositing the balance sale consideration as fixed in a decree for specific performance.

2. Heard Mr. B. Vijaya Kumar, learned counsel for the petitioner.

3. The petitioner filed a suit for specific performance of an agreement of sale. The suit was decreed on 30-01-2012, directing the petitioner to deposit the balance sale consideration within one month and further directing the respondents to execute a sale deed.

4. Before the expiry of the time fixed in the decree for specific performance, the petitioner claims to have obtained a challan from the court for depositing the balance sale consideration. But, it is claimed that thereafter he suffered from severe infective Hepatitis and mild alcoholic cirrhosis of liver. The petitioner further claimed that he misplaced the challan in his house and hence, he could not comply with his obligation under the decree for specific performance within the time stipulated.

5. However, he approached the Court below by way of an application for extension of time by a period of 591 days for depositing the balance sale consideration. The Court below dismissed the application by the order impugned in the revision, forcing the petitioner to come up with the above revision.

6. As seen from the affidavit in support of the application for extension of time, the petitioner pleaded sickness as the only ground for seeking extension of time. In order to support his plea, the petitioner filed two Laboratory Reports as Exs.P.1 and P.2 and a Medical Certificate as Ex.P.3. Exs.P.1 and P.2 were dated 05-03-2012 and 25-03-2012. But, the Medical Certificate-Ex.P.3 was dated 31-01-2013. The Court below considered all these documents in paragraphs 11 and 12 of the impugned order and came to the conclusion that these documents cannot be relied upon and that no sufficient cause was shown for the extension of time.

7. Even the lethargic attitude on the part of the petitioner was noted by the Court below in paragraphs 13 and 14. It appears that there was enormous difficulty in serving notices on the respondents. But after publication was made, the petitioner allowed the application for extension of time to be dismissed for default. Subsequently, it was restored.

8. Thus, on facts, the Court below found that sufficient cause was not shown for extension of time. Therefore, I do not find any material irregularity in the order of the court below warranting interference under Article 227 of the Constitution.

Hence, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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**V. RAMASUBRAMANIAN, J**

Date: 31-12-2018  
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