# Legal Case Summary

Case Title: Balbir Singh vs Baldev Singh (D) Through His LRs

Citation: 2025 INSC 81

Date of Judgment: 17 January 2025

Bench: Justice J.B. Pardiwala, Justice R. Mahadevan

Author of Judgment: Justice J.B. Pardiwala

## Parties Involved

Appellant: Balbir Singh & Others

Respondents: Baldev Singh (Deceased) through his Legal Representatives & Others

## Background / Facts of the Case

Four suits for specific performance of agreements to sell were decreed in 1994, directing deposit of the balance consideration within 20 days. The appellate court reversed the decrees, but they were later restored by the High Court in 2018. Execution petitions were filed in 2018, and the decree holders deposited the amount. The defendants filed applications for rescission under Section 28 of the Specific Relief Act. The executing court rejected their plea and allowed execution to proceed.

## Legal Issues Raised

1. Whether the decree holder's delay in depositing balance sale consideration warranted rescission of the contract under Section 28 of the Specific Relief Act.

2. Whether the original trial court's time limit revived after the appellate court's reversal was overturned.

3. Applicability and interpretation of the doctrine of merger in the context of restored decrees.

## Judgment / Decision

The Supreme Court upheld the decisions of the High Court and executing court, ruling that the doctrine of merger applied. The decree merged with the High Court's judgment in the second appeal, which did not specify a fresh deadline. It held that time limits could be extended by the executing court and that the plaintiffs had not shown any willful delay. Hence, rescission was not warranted under Section 28.

## Final Order

• Appeals dismissed.

• Orders allowing execution and rejecting rescission applications upheld.

## Case Timeline

• 16 Aug 1994: Trial Court decrees in favour of plaintiffs

• 24 Nov 1994: First Appellate Court reverses the decrees

• 03 May & 24 May 2018: High Court restores trial court decrees

• 04 Sep 2018: Execution petitions filed

• 07 Sep 2018: Executing court allows deposit and rejects rescission

• 16 Aug 2019: Rescission applications dismissed

• 17 Jan 2025: Supreme Court upholds High Court ruling

## Relevant Legal Principles & Precedents

• Specific Relief Act, 1963 – Section 28

• Doctrine of Merger

• Extension of time in conditional decrees

• Key cases: Kunhayammed v. State of Kerala, Chandi Prasad v. Jagdish Prasad, Sardar Mohar Singh v. Mangilal

## Key Takeaways

- Once a decree is merged with a higher court’s order, the operative directions are as per the appellate court.

- Executing courts retain discretion under Section 28 to extend time for compliance.

- Procedural delays or appeals do not invalidate decree holders’ rights when acted upon promptly post-restoration.