IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(arising out of SLP(C) No. 16669/2026)

RAJ GOYAL ..... APPELLANT(S)

VERSUS

PRADEEP JADHAV ..... RESPONDENT(S)

O R D E R

1. **Leave granted.**

2. **The appellant, Raj Goyal, is aggrieved by the order dated 23.03.2026 passed by the High Court of Madhya Pradesh at Gwalior in Misc. Petition No. 3656/2025. By the said order, the High Court, having observed that the decree in question required the defendant, the appellant before us, to execute the sale deed within six months after receiving the consideration, proceeded to hold that in terms of Section 28 of the Specific Relief Act, 1963[1], the executing Court could not introduce conditions which did not form part of the decree. Having stated so, the High Court strangely observed that no obligation was cast upon the plaintiff/decree-holder, the respondent herein, to pay the consideration amount within a specified time. Based on this understanding of the decree, the High Court directed the executing Court to proceed with**

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Reason:

1 "the 1963 Act" for short

the execution petition filed for execution of the sale deed in accordance with the decree in question.

3. **By order dated 15.05.2026, this Court granted stay of the impugned order dated 23.03.2026.**

4. **The decree in question is dated 21.11.2022 and relates to an agreement to sell dated 21.09.2020. Pursuant to the said agreement to sell, the respondent had paid ₹1,01,000/- (Rupees one lakh one thousand only) out of the total sale consideration of ₹34,21,000/- (Rupees thirty four lakhs twenty one thousand only). The specific performance suit filed by the respondent was decreed on 21.11.2022, directing that the sale deed shall be executed by the appellant within six months upon the respondent paying the remaining amount of consideration viz. ₹33,20,000/- (Rupees thirty three lakhs twenty thousand only) along with the registration expenses. The decree also made it clear that if the sale deed was still not executed by the appellant within six months, the respondent would be entitled to get the sale deed executed through Court.**

5. **It is an admitted fact that the respondent did not make any offer within the stipulated six months' period to pay the balance sale consideration and the registration expenses. It was only in the seventh month that the respondent, straightaway filed an execution petition.**

6. **It is now argued before us on behalf of the respondent that as the appellant had filed an appeal, no steps were taken by him. However, it is an admitted fact that the filing of the appeal**

by the appellant came to the notice of the respondent only after the filing of the execution petition, that is, after the expiry of the stipulated six months' period.

7. **When the decree in question specifically noted that the appellant would be under an obligation to execute the sale deed upon receiving the balance sale consideration and the registration expenses within the stipulated six months' period, the duty was first cast upon the respondent to pay the said amount within that time. It was only upon such payment being made that the appellant was under an obligation to execute the sale deed. No steps were ever taken by the respondent to even offer such payment and the High court erroneously held to the contrary that there was no obligation cast upon him. It was, in fact, the High Court which rewrote the terms of the decree, a course which was not open to it.**

8. **The appeal is, accordingly, allowed, setting aside the impugned order passed by the High Court. In the light of what we have held above, the decree would be inexecutable, in terms of Section 28 of the 1963 Act.**

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

Parties shall bear their own costs.

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
NOVEMBER 16, 2026.

TEM NO.24 COURT NO.7 SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 16669/2026

[Arising out of impugned final judgment and order dated 23-03-2026 in MISCP No. 3656/2025 passed by the High Court of Madhya Pradesh at Gwalior]

RAJ GOYAL **Petitioner(s)**

VERSUS

PRADEEP JADHAV **Respondent(s)**

(IA No. 141868/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 141871/2026 - EXEMPTION FROM FILING O.T.)

Date : 16-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) **Mr. Abhinav Kathuria, Adv.**
Ms. Narmada Kathuria, Adv.
Mr. Atul Kumar Yadav, Adv.
Ms. Nisha Thakur, Adv.
Mr. Kartik Jain, Adv.
Mr. Rahul Pandey, Adv.
Ms. Anisha Upadhyay- 2397, AOR

For Respondent(s) **Mr. Puneet Jain, Sr. Adv.**
Ms. Christi Jain- 2313, AOR
Ms. Akriti Sharma, Adv.
Mr. Om Sudhir Vidyarthi, Adv.
Mr. Aditya Jain, Adv.
Mr. Siddharth Jain, Adv.
Mr. Yogit Kamat, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

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

(BABITA PANDEY) **(PREETI SAXENA)**
AR-CUM-PS **COURT MASTER (NSH)**
(Signed order is placed on the file)