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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA 324/2017**

VIJAY KUMAR SHARMA Appellant
Through: Mr. Narender Singh Yadav and Mr.
Abhishek Yadav, Advocates.

versus

TARANJIT KAUR Respondent
Through: Mr. Pankaj Aggarwal, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **19.04.2018**

CM No.11372/2017 (delay)

This is an application seeking condonation of delay of 85 days in re-filing the appeal. Delay is condoned subject to payment of Rs.5,000/- as costs to be paid to the Respondent within two weeks.

CM is disposed of.

CM No.11370/2017 (stay) and CM No.21942/2017 (stay)

This Court on 22nd March, 2017 directed status quo in the following terms.

3. Subject to the appellant maintaining status quo with regard to the title, possession and construction of the suit premises and on the condition that he shall not be entitled to claim any interest on the balance sale consideration or claim the market rate in respect of the suit premises as sale consideration due to the pendency of the appeal, operation of the impugned judgment and decree shall remain stayed. DASTI.”

The Appellant is abiding by the said order. Learned counsel for the Respondent submits that status quo order deserves to be vacated.

The impugned judgement/decreed is a decreed for specific performance which has been granted in favour of the Respondent. Learned counsel for the Appellant submits that the cheque, on the basis of which readiness and willingness was proved, has been held to be forged. The Court has perused the application under Order XXXIX Rule 4 CPC. The only ground pleaded is that the stay was granted without notice to the Respondent. Respondent had the option of filing caveat, which was not filed.

In any event, this Court after considering the submissions of the Appellant at the time of admission passed the order of status quo. In view of the allegations made by the Appellant and the contents of the application under Order XXXIX Rule 4 CPC, no ground is made out for vacation of the stay. Status quo order dated 22nd March, 2017 shall remain in operation during the pendency of the appeal.

CM is disposed of.

Crl.M.A.7192/2018

This is an application under Section 340 Cr.P.C. Copy of the same be handed over to the Respondent. Submissions shall be made on the next date of hearing as to whether notice should be issued in this application.

List on 19th July, 2018.

PRATHIBA M. SINGH, J.

APRIL 19, 2018/dk