



specific performance filed by the first respondent herein.

In the appeal filed by the defendants (appellant and second respondent herein), on 22.5.2006, the High Court directed

status quo subject to deposit of Rs.2,000/- per month by

them from the date of decree.

The defendants-appellants

could not deposit the same and, therefore, filed an

application for extension of time on 28.5.2007. The

application for extension has been rejected by the impugned

order dated 3.7.2008 on the ground that the sale deed had

already been executed.

3. When the said order was challenged, this Court, on

19.12.2008, permitted the appellant to deposit the amount

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ordered by the High Court.

Accordingly, this Court was

informed that the amount was deposited in April 2009. We

are told by the counsel for the first respondent that as

the amount was not paid in time, the stay ceased to operate

and the sale deed was executed by the Court in favour of

the first respondent. It, therefore, follows the condition

for stay, that is the defendants should deposit Rs.2000/-

per month would no longer operate after such sale.

4. It is not in dispute that the appeal is still

pending. We are of the view that, in the circumstances,

this matter could be disposed of by directing status quo as

on date till the date of disposal of the appeal before the

High Court. This appeal is disposed of accordingly.

.....J.  
( R.V. RAVEENDRAN )

New Delhi;  
April 16, 2010.

.....J.  
( R.M. LODHA )