

SUPREME COURT OF INDIA

Mukhtiar Singh

Vs.

Harbinder Singh

C.A.No.4930 of 2008

(Tarun Chatterjee and Aftab Alam JJ.)

07.08.2008

ORDER

1. Leave granted.

2. This appeal is directed against an interlocutory order dated 21st of August, 2006 in RFA No. 1167 of 2005 passed by the Punjab and Haryana High Court at Chandigarh, whereby the High Court had vacated the stay initially granted in the appeal filed by the appellant and directed the appellant to deliver possession of the suit property to the respondent. The appeal now pending before the High Court has arisen out of a suit for specific performance of a contract for sale.

3. Having heard the learned counsel for the parties and after going through the impugned order and other materials on record, we are of the view that this appeal can be disposed of in the following manner:-

“i) It is brought to our notice by the learned counsel for the parties that the decree for specific performance has been executed through Court. But possession of the same has not been delivered to the respondents, that is to say, the appellant is still in possession of the suit property.

ii) Such being the position, the parties are directed to maintain status quo as regards possession as of today, till the disposal of the pending appeal before the High Court.”

4. The High Court is requested to dispose of the appeal within a period of six months from the date of supply of a copy of this order positively, without granting any unnecessary adjournment to either of the parties in accordance with law.

5. The appeal is, accordingly, disposed of to the extent indicated above with no order as to costs.