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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 185/2023**

SWATANTRA KUMAR JINDAL Appellant
Through: Mr. Soumitra Chatterjee and
Ms. Sriparna Chatterjee, Advocates.

versus

**M/S R. BROTHERS ENTERPRISES PRIVATE
LIMITED** Respondent

Through: None.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **07.03.2023**

C.M. APPL. 11033/2023 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

C.M. APPL. 11034/2023 (delay)

Present application has been preferred seeking condonation of delay of 23 days in refiling the appeal.

For the reasons stated in the application, the same is allowed.

Delay of 23 days in refiling the appeal is condoned.

Application stands disposed of.

RFA 185/2023 & C.M. APPL. 11032/2023 (stay)

Present appeal has been filed by the Appellant challenging the impugned judgment and decree dated 30.09.2022 whereby the Trial Court has decreed the suit for recovery of Rs.30,00,000/- in favour of the Plaintiff/Respondent herein.

After canvassing some arguments, learned counsel for the Appellant, on instructions, restricts the challenge to the decree to the quantum of money awarded in favour of the Plaintiff and submits that it was not open to the Trial Court to have decreed the suit for double the amount of earnest money in view of the doctrine of frustration and



more specifically, provisions of Section 56 of the Indian Contract Act, 1872.

Issue notice to the Respondent, limited to the aforesaid extent, through all permissible modes, returnable on 06.04.2023.

Dasti in addition.

JYOTI SINGH, J

MARCH 07, 2023/shivam/kks