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

+ **RFA 166/2025**

SARVJIT SINGH (DECEASED THROUGH LRS)Appellant

Through: Mr. Rakesh Tikku, Sr. Advocate with
Mr. Monu, ADvocate

versus

M/S EAGLE HUNTER SOLUTION LTD.Respondent

Through: Mr. Varun Goswami, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **19.02.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 10186/2025 (exemption)

1. Allowed, subject to all just exceptions.

RFA 166/2025 & CM APPL. 10185/2025 (stay)

2. The appellant has assailed judgment and decree of specific performance of agreement to sell an immovable property. Learned senior counsel for appellant has taken me through the material on record, contending that the agreement to sell and the receipts contained certain hand written portions qua the part payments, including an adjustment of some amount allegedly paid earlier. The said adjustment, as pointed out by learned senior counsel was out of Rs. 10,00,000/-, allegedly paid earlier and admittedly qua the said amount of Rs. 10,00,000/-, the proceedings under Section 138 of Negotiable Instruments Act were filed and dismissed. Majorly, it is emphasized by learned senior counsel for appellant that



payment of earnest money is in doubt but the learned Trial Court ignored discussion on these aspects.

3. Learned counsel for respondent appearing on advance intimation accepts notice and takes me through the rival pleadings, especially the portions of the written statement at *pdf page 153 and 157* of the paperbook, wherein the appellant admitted the receipt of Rs. 10,00,000/-. It is contended on behalf of respondent that testimony of witnesses on this aspect being beyond pleadings has to be discarded.

4. Under these circumstances, it would be necessary to hear further arguments only with the help of trial court record. Digitized record of the trial court be requisitioned atleast one week before the next date of hearing.

5. Till next date, neither party shall create third party interest in the subject property.

6. Relist on 08.08.2025.

GIRISH KATHPALIA, J

FEBRUARY 19, 2025/rk

[Click here to check corrigendum, if any](#)