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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 422/2019 & CM APPL. 11637/2019**

M/S CAPITAL LAND BUILDERS PVT LTD Petitioner
Through: Mr. Ankit Jain, Advocate with Mr.
Sarvesh Rai, Mr. Siddhant Nath,
Advocates.

versus

ANURADHA CHOWDHARY & ORS Respondents
Through

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **12.03.2019**

CM APPL. 11638/2019 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

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Initial submissions have been made on behalf of the petitioner.

Inter alia reliance is placed on behalf of the petitioner on the verdict of this Court in "**Promod Khanna and Ors. Vs. Subod Khanna and Ors.**" 2013 VIII AD(Delhi) 136 in CS (OS)2203/2006, a verdict dated 05.08.2013 to contend that ad-valorem court fee is not required to be paid by the petitioner even in terms of the verdict of the Hon'ble Supreme Court in "**Suhrid Singh Vs. Randhir Singh and Ors.**" (2010) 12 SCC 112, in view of the prayers made through the suit by the petitioner which read to the effect:-

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- a) Pass a Decree of Declaration declaring that the illegal GPA dated 05.04.2014 executed by the Defendant No.1 in favour of Defendant No.2 & 3 and registered with the District Sub-Registrar—IVA, Shahdara, Delhi (Defendant No. 4) on 05.04.2014 vide Registration No. 1199 in Book No.1 Vol. No 1689 on Pages 71 to 80 on 05.04.2014 is void and not binding upon the plaintiff and that no rights thereunder have accrued to Defendant No. 2 & 3 or any other persons claiming through it.**
- b) Pass a Decree of permanent injunction restraining the Defendant No. 1, 2 & 3 their agents, Successors and assigns from any manner directly or indirectly interfering with the or obstructing the plaintiff in peaceful use, enjoyment, possession and ownership of the suit property covered under this illegal GPA.**
- c) Pass Decree of permanent injunction restraining Defendant No. 2 & 3 from acting on the Sale Deed executed in their favour by Defendant No. 1 on 05.04.2014.**
- d) Pass a Decree of prohibitory injunction to Defendant No. 4 (District Sub-Registrar-IV A) restraining them from registering any new transfer of property document executed by the Defendant No. 2 & 3 in relation to the suit property bearing no. A-37, Kailash Nagar Colony, Loni Road, Shahdara Delhi.**
- e) Pass a Decree of Mandatory injunction directing the Defendant No. 2 & 3 to deposit in court the above said Sale Deed dated 05.04.2014 and direct the destruction thereof.**
- f) Award the cost of the suit to the plaintiff and against the Defendant No. 1 to 4 and**
- g) Grant any other relief(s) which this Hon'ble Court deems fit and proper in the facts and circumstances of the case be allowed in favour of plaintiff and against the Defendants.”**

Without any expression on the merit or demerits of the prayers made by the petitioner, notice of the petition and of the accompanying



application CM APPL. 11637/2019 be issued to the respondents on taking of steps by the petitioner through all permissible modes, process returnable for 23.05.2019, till which date the operation of the impugned order is stayed.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

MARCH 12, 2019/NC

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