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

+ **CS(OS) 178/2025 and I.A. 7348/2025**

RAJ KUMAR MITTAL

.....Plaintiff

Through: Mr. Tanmay Mehta, Mr. Pankaj
Agarwal and Mr. Siddant Singh,
Adv.

versus

BALDEV KUMAR & ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **27.03.2025**

I.A. 8058/2025 (under Order VI Rule 17 read with Order I Rule 10, CPC, 1908 for amendment of plaint and for impleading Mrs. Anupama Mittal, as plaintiff No.2)

1. Heard.
2. For the reason stated in the application, the same is allowed and the plaintiff is permitted to incorporate the amendment, as stated in the application.
3. In addition, the plaintiff is also permitted to implead Mrs. Anupama Mittal, as plaintiff No.2.
4. Let the amended plaint be placed on record within two working days from today, specifically highlighting the paragraphs permitted to be amended by the order passed hereinabove.

I.A. 7349/2025 (Exemption)

5. Plaintiff shall file legible/original/certified and clearer copies of



exempted documents, compliant with practice rules, before the next date of hearing.

6. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

7. The application stands disposed of.

CS(OS) 178/2025

8. Heard.

9. The instant civil suit is for the following relief:-

- a) " Pass a decree of declaration that the Agreement to Sell dated 29.12.2021 in favour of Smt. Anupama Mittal is legally valid and binding document and the same is legally enforceable inter-se Smt. Anupama Mittal and Defendant Nos. 1 to 5; and/ or
- b) Pass a decree for specific performance of Agreement to Sell dated 29.12.2021 in favour of Smt. Anupama Mittal and against the Defendants thereby directing Defendant Nos. 1 to 5 to sell, transfer, convey and execute a proper sale deed in accordance with law and to deliver vacant and peaceful possession of the suit property situated at A-12, Anand Vihar, New Delhi - 110092; and/ or;
- c) Pass a decree of permanent injunction in favour of the Smt. Anupama Mittal against the Defendant Nos. 1 to 5 restraining these defendants, their agents, attorneys, assignees, legal heirs and representatives from selling, alienating, transferring or creating any third party interest in the property situated at A-12, Anand Vihar, New Delhi – 110092; and/ or
- d) Pass a decree for permanent injunction in favour of Smt. Anupama Mittal and against the Defendant Nos. 1 to 6, restraining the defendants, their agents, attorneys, assignees, legal heirs and representatives from interfering with the possession of Plaintiff in suit property situated at A-12, Anand Vihar, New Delhi – 110092; and/ or

In the alternative

- e) Pass a decree of declaration that Collaboration Agreement dated 15.06.2020 entered into between Rammy Ghai and Baldev Kumar is null and void; and/ or
- f) In the event of CS (OS) No. 142/ 2022 titled Rammy Ghai v Baldev Kumar being allowed, pass a decree of Specific Performance of Agreement to Sell dated 29.12.2021 to the extent of the share of



Defendant No. 1 in the suit property situated at A-12, Anand Vihar, New Delhi – 110092 in favour of Smt. Anupama Mittal with pro-rata reduction of the consideration; and/ or

- g) Pass a decree of damages to the tune of Rs. 9,00,00,000/- (Rupees Nine Crores Only) along with pendente lite and future interest @ 18 % per annum from the date of filing of the present suit till the date of actual realization of the amount against the Defendants No. 1 to 5; and/ or*
- h) Award costs of the suit against the Defendants and in favour of the Plaintiff.”*

10. The plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

11. Summons shall state that the written statement(s) shall be filed by the defendant within 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

12. Liberty is given to the plaintiff to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiff, affidavit(s) of admission/denial of documents of the defendants, be filed by the plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

13. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

14. List before the Joint Registrar for further proceedings on 11.08.2025.

I.A. 7348/2025 (under Order XXXIX Rule 1 and 2 read with Section 151 CPC for ex parte ad interim injunction)

15. Heard.



16. On the plaintiff taking necessary steps, let notice of this application be issued to the defendants by all permissible modes, returnable on 08.07.2025.

17. During the pendency of the instant application, if any third party is created by the defendant, the same shall remain subject to further orders to be passed by this Court.

18. Needless to state, the rights of the plaintiff are also otherwise protected in view of the provisions of Section 52 of the Transfer of Property Act, 1882, and the rigours of the doctrine of *lis pendence*.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 27, 2025/DPA/MJO

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