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

+ **CS(OS) 218/2020**

KHANUJA EXPORT & FINANCE PVT. LTD

..... Plaintiff

Through: Col. R. Balasubramanian Deshraj,
Senior Advocate and Ms. Sujatha
Bagadhi, Advocate along with
plaintiff in person.

versus

KAPIL NAGPAL @ TRANJIT NAGPAL Defendant

Through: Mr. Lovkesh Sawhney, Senior
Advocate and Mr. Hari Kishan,
Advocate along with defendant in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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16.08.2022

I.A. 7067/2020(O-XXXVIII R-5 of CPC)

1. The present suit has been filed seeking recovery of Rs.2,15,17,266/-. Vide detailed order dated 19th August, 2020, this Court had restrained the defendant from creating third party rights in respect of Villas bearing No.12, 13, 14 and 15 situated in Silver Creek, Maradu, Cochin, Kerala.
2. Mr. Lovkesh Sawhney, the senior counsel appearing on behalf of the defendant submits that if the restraint order passed by this Court is confined to two of the Villas i.e. Villas bearing No.14 and 15, that would be enough to secure the amount claimed in the suit. Therefore, he submits that the



restraint order *qua* Villas no.12 and 13 may be vacated.

3. Mr. Lovkesh Sawhney, on instructions from the defendant, who is present in Court, submits that without prejudice to the rights and contentions of the parties, if six months' time is granted to the defendant, he would sell the two Villas bearing No.12 and 13 and deposit the amount claimed in the suit in Court. He further submits that the defendant be permitted to carry out renovation/construction work in the aforesaid two Villas to enable the defendant to sell the same.

4. Col. R. Balasubramanian Deshraj, senior counsel appearing for the plaintiff, on instructions of Mr. Kuljit Singh, Director of the plaintiff company, is agreeable for the same.

5. Accordingly, six months' time is granted to the defendant to sell Villas bearing No.12 and 13 and deposit the amount claimed in the suit before this Court. The order dated 19th August, 2020 would not come in the way of the defendant making renovation/construction in Villas bearing No.12 and 13 situated in Silver Creek, Maradu, Cochin, Kerala and selling the same. It is made clear that out of the amounts received from the sale of the aforesaid two villas, the amount claimed in the suit shall be forthwith deposited before this court by the defendant.

6. Till the time, the amount claimed in the suit is deposited before this Court, the interim order dated 19th August, 2020 would continue in respect of the Villas bearing No.14 and 15 situated in Silver Creek, Maradu, Cochin, Kerala. Upon the defendant depositing the amount claimed in the suit before this court, the interim order dated 19th August, 2020 would automatically stand vacated in respect of the Villas bearing No. 14 and 15, situated in Silver Creek, Maradu, Cochin, Kerala.



7. Accordingly, the application stands disposed of.

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8. List before the Joint Registrar on 28th November, 2022, i.e., the date already fixed.

AUGUST 16, 2022
at

AMIT BANSAL, J.