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

(2)+ CS(COMM) 284/2019

SHALU WALIA

.....Plaintiff

Through: Mr.Humraz Bir Singh, Adv

versus

ALOK NANDA & ORS.

.....Defendants

Through: Mr.Arvind Kr. Gupta, Mr.Rishi Bhardwaj, Mr.Ajay Sharma, Mr.Manav Kumar, Advs. for D-4 & 5.

(3) CS(COMM) 1/2020 & I.A. 86/2020

SUMIT BUDHIRAJA & ANR.

.....Plaintiffs

Through: Mr.Arvind Kr. Gupta, Mr.Rishi Bhardwaj, Mr.Ajay Sharma, Mr.Manav Kumar, Advs

versus

ALOK NANDA & ORS.

.....Defendants

Through: Mr.Humraz Bir Singh, Adv. for D-4.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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26.07.2024

1. In spite of service, none is appearing for the defendant nos.2 and 3.

2. After hearing the learned counsels for the parties and having perused the pleadings and documents, following issues are hereby framed:

- i. Whether Defendants jointly and severally are liable towards the Plaintiff for an amount of Rs.4,66,50,000/-? **OPP**



- ii. Whether Defendant No.1 and predecessor in interest of Defendant Nos.2 and 3 were authorized to execute the Agreement to Sell dated 10.12.2015 with Defendant Nos. 4 and 5? **OPD**
- iii. Whether the Defendant No.1 and predecessor in interest of Defendant Nos.2 and 3 were authorized to receive any amount in furtherance of the Agreement to Sell dated 10.12.2015 from Defendant Nos.4 and 5? **OPD**
- iv. Whether the Defendant No.1 and predecessor in interest of Defendant Nos.2 and 3 were entitled to handover possession of the Suit Property to the Defendants Nos.4 and 5? **OPD**
- v. Whether the Plaintiff is entitled to a decree of interest, *pendente lite* and future interest? If so, at what rate? **OPP**
- vi. Whether there is any privity of contract between plaintiff and Defendant Nos.4 and 5? **OPD-4 & 5.**
- vii. Whether the Plaintiff and Defendant Nos.1 to 3 are liable to execute the sale deed in favour of Defendant Nos.4 and 5? **OPD-4 & 5.**
- viii. Whether the Plaintiff is entitled to Costs? **OPP**
- ix. Relief.

- 3. CS(COMM) 284/2019 shall be treated as lead case and the parties shall lead their respective evidence in the said suit.
- 4. The plaintiff in CS(COMM) 284/2019 shall lead the evidence first.
- 5. The parties shall file their respective list of witnesses within a



period of three weeks from today.

6. The plaintiff in CS(COMM) 284/2019 shall file evidence by way of affidavit of her witnesses within a period of four weeks thereafter.

7. List before the learned Joint Registrar (Judicial) on 23rd October, 2024.

8. The learned counsel for the plaintiff is granted permission to file hardcopy of the replication, softcopy of which was filed on 31.03.2022, with the Registry of this Court in compliance with the direction issued by the learned Joint Registrar (Judicial), within a period of four weeks from today.

NAVIN CHAWLA, J

JULY 26, 2024/Arya/as

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