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

+ CS(OS) 461/2022 & I.A. Nos. 12472/2022, 12473/2022 & 12474/2022

M/S RENU PROPCON PVT. LTD. Plaintiff

Through: Mr. Manish Vashisht, Senior
Advocate with Mr. Harsh Sethi,
Mr. Anish Gupta and Mr. Anant
Nigam, Advocates.
(M): 8178188748

Email: advocateanantnigam@gmail.com

versus

MRS. MANJU BHATTACHARYA & ORS. Defendants

Through: Mr. NB Joshi with Mr. Neeraj
K Gupta, Advocates for
defendant no. 1 to 4.
(M): 9818284346

Email: neerajattorney@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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05.08.2022

I.A. No. 12473/2022 (Application under Section 151 CPC on behalf of the plaintiff for exemption from filing certified/original/typed/clear/dim copies of the documents filed with the suit along with supporting affidavits)

1. This is an application seeking exemption from filing certified and typed copies of documents.
2. Recording the plaintiff's undertaking that the inspection of original documents shall be given, if demanded, or that the original documents shall be filed prior to the stage of admission/denial, the exemption is allowed.



3. As prayed, the plaintiff is allowed to file clear copies and typed version of hand written documents within four weeks.

4. Application is disposed of.

I.A. No. 12474/2022 (Application under Section 151 CPC on behalf of the plaintiff for exemption from advance service to the defendants copies of suit along with the documents along with supporting affidavits)

5. This is an application on behalf of the plaintiff for exemption from advance service to the defendants.

6. However, learned counsel for defendant no. 1 to 4 has put in appearance. He submits that the copy served upon him does not match with the page numbering of the court file, therefore, fresh copy of the plaint along with documents be served upon him.

7. Let the needful be done within one day.

8. The application is disposed of.

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9. Let the plaint be registered as a suit.

10. Issue summons to the defendants through all modes.

11. Summons is accepted by learned counsel for defendant nos. 1 to 4. Learned counsel Mr. Neeraj K Gupta, Advocate submits that he shall be filing his vakalatnama during the course of the day. Learned counsel Mr. NB Joshi submits that he is appearing on instructions of Mr. Neeraj K Gupta, Advocate.

12. Issue summons to the remaining defendants through all modes upon filing of process fee.

13. The summons to the defendants shall indicate that a written



statement to the plaint shall be positively filed within 30 days from the date of receipt of summons. Along with the written statement, the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.

14. Liberty is given to the plaintiff to file a replication within 15 days of receipt of the written statement. Along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiff, without which the replication shall not be taken on record.

15. List before the Joint Registrar for marking of exhibits on 29th August, 2022.

I.A. No. 12472/2022 (Application on behalf of the plaintiffs under Order XXXIX Rule 1 and 2 read with Section 151 CPC seeking interim relief)

16. This is an application on behalf of the plaintiff under Order XXXIX Rule 1 and 2 read with Section 151 CPC.

17. The present suit has been filed by the plaintiff for Specific Performance of alleged Oral Agreement dated 22.05.2022. As per the plaintiff, the defendant nos. 1 to 4 agreed to sell their respective 1/35th undivided share in the property bearing no. F-10, Hauz Khas Enclave, New Delhi measuring 1022-25/100 Sq. Yds. to the plaintiff.

18. It is the case of the plaintiff that Sh. A.K. Bhattacharya was the original sole and absolute owner of the property in question. After his demise, the property devolved on the seven legal heirs as follows:-

S.No.	Name of the parties	Share/
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		Undivided
1.	Shri Amalendu Bhattacharya	1/7 th
2.	Shri Arun Prakash Bhattacharya	1/7 th
3.	Mrs. Amita Banerjee	1/7 th
4.	Mrs. Aruna Chakravarti	1/7 th
5.A.	Mrs. Jayashri Bhattacharya	1/21 st
B.	Shri Sri Shoumo Bhattacharya	1/21 st
C.	Miss Manoshi Bhattacharya	1/21 st
6.A.	Mrs. Dipti Bhattacharya	1/21 st
B.	Shri Sandeep Bhattacharya	1/21 st
C.	Shri Joydeep Bhattacharya	1/21 st
7.A.	Mrs. Mamta Bhattacharya	1/14 th
B.	Mrs. Arundhati Bhattacharya	1/14 th

19. It is contended on behalf of the plaintiff that the legal heirs of late Shri Anshuman Bhattacharya son of late Mr. A.K. Bhattacharya have jointly sold their 1/7 undivided share in the said property along with exclusive physical possession of the front portion of the ground floor of the said property to the plaintiff vide registered sale deed dated 07.12.2018. Thus, the plaintiff became a co-owner to the extent of 1/7th undivided share in the suit property.

20. It is further submitted on behalf of the plaintiff that daughter of late Shri Atul Krishna Bhattacharya namely Mrs. Amita Banerjee also



sold her entire 1/7 undivided share of the suit property to the plaintiff vide registered sale deed dated 10.01.2019 and that the plaintiff became a co-owner to the extent of undivided 2/7th share in the suit property.

21. Further, daughter of late Shri Atul Krishna Bhattacharya namely Mrs. Aruna Chakravarti also sold her entire 1/7 undivided share in the suit property to the plaintiff vide registered sale deed dated 10.01.2019. Thus, the plaintiff has become a co-owner to the extent of 3/7th undivided share qua the suit property.

22. It is the case of the plaintiff that besides the aforesaid three registered sale deeds, Shri Joydeep Bhattacharya has also agreed to sell his 1/14th share in the suit property to the plaintiff vide agreement to sell dated 12.05.2022.

23. It is submitted on behalf of the plaintiff that the five legal heirs of late Shri Amalendu Bhattacharya, i.e. defendants no. 1 to 5 are currently occupying the rear portion of the said property. It is the case of the plaintiff that the said defendants approached the plaintiff with a request to buy the suit property i.e. 1/7th Undivided share of Shri Amalendu Bhattacharya in the entire property, which devolved upon the said five legal heirs equally to the extent of 1/35th undivided share each in the said property. As per the plaintiff, there was an oral agreement on 22.05.2022, on a joint video call, where all the defendants were present virtually. As per the plaintiff, it was agreed that a sale deed would be executed before 30.06.2022 against total consideration of Rs. 6,00,00,000/- (Rupees Six Crores Only) to be equally divided amongst the five legal heirs of late Shri Amalendu



Bhattacharya.

24. It is further the case of the plaintiff that 10% of the said sale consideration was to be paid by way of cheques immediately and the balance was to be paid at the time of execution of the registered sale deed simultaneous to handing over of the possession.

25. As per the plaintiff, part consideration of Rs. 10,00,00/- (Rupees Ten lacs only) each after deduction of TDS was paid by the plaintiff to the defendants vide cheques dated 22.05.2022.

26. It is further submitted on behalf of the plaintiff that defendant no. 5 i.e. Ms. Anuva Bhattacharya Deegan who is owner of 1/35th undivided share in the suit property has sold her 1/35th share to the plaintiff vide registered sale deed dated 27.06.2022. At the time of the execution of the said sale deed, the original cheque dated 22.05.2022 drawn on Ratanakar Bank Limited (RBL) Bank which had been earlier issued by the plaintiff was returned by the defendant no. 5 to the plaintiff and the entire sale consideration of Rs. 1.20 crores was transferred to the account of defendant no. 5 through RTGS.

27. It is the case of the plaintiff that the remaining four legal heirs i.e. defendants no. 1 to 4 are not coming forward for execution of the sale deed in favour of the plaintiff despite the oral agreement dated 22.05.2022.

28. Issue notice.

29. Notice is accepted by learned counsel for defendant nos. 1 to 4.

30. At the outset, learned counsel appearing for defendant nos. 1 to 4 denies that any oral agreement dated 22.05.2022 was entered between the parties. He further denies that any cheque dated



22.05.2022 was ever issued to defendants no. 1 to 4.

31. Learned counsel for defendants no. 1 to 4 further submits that defendants no. 1 to 4 are in occupation of their respective shares in the rear portion of the suit property and that the same is being used by them for their residential purposes.

32. In view of the submissions made before me, I deem it appropriate to pass an order that as and when defendants no. 1 to 4 intend to sell their portions of the property, they may seek permission from this Court by filing appropriate application.

33. Further, this order may not be construed to be interpreted that defendants no. 1 to 4 are barred in any manner from entering into negotiation with any third party with respect to the property in question.

34. Concern is expressed on behalf of defendant nos. 1 to 4 about the peaceful enjoyment of their portion. It is directed that defendant nos. 1 to 4 be allowed to enjoy the peaceful possession of their shares in the property.

35. Reply to the application be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

36. List the matter before Joint Registrar on 29th August, 2022.

MINI PUSHKARNA, J

AUGUST 5, 2022

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This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 14/06/2026 at 10:09:42