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

+ **CS(OS) 555/2022**

JOGENDER SINGH RUHELLA & ANOTHER Plaintiffs
Through: Mr. J. K. Jain, Advocate

versus

RAMA CHAUDHARY & ORS Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **12.09.2022**

I.A. 14787/2022 (Exemption from filing original/fair typed copies with required font size and margin)

1. Subject to the plaintiffs filing the original/certified/true typed copies of the documents on which the plaintiffs may seek to place reliance, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

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3. Let the plaint be registered as a suit.
4. Issue summons to the defendants through all modes. The summons shall indicate that the written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs.



5. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

6. List before the Joint Registrar on 23rd November, 2022 for completion of service and pleadings.

7. List before the Court on 14th March, 2023.

I.A. 14786/2022 (O-XXXIX R-1 & 2 of CPC)

8. The present suit has been filed seeking cancellation of the sale deeds and consequential relief of possession in respect of seven plots detailed in paragraph 1 of the plaint (suit properties). The suit properties were sold by the plaintiffs, as joint owners, to the defendants no. 1 and 2 vide registered sale deeds between 15th May, 2019 and 28th October, 2019 for a total consideration of Rs.4,60,20,000/-.

9. It is the case of the plaintiffs that the defendants have failed to pay the sale consideration in terms of the aforesaid sale deeds. A Memorandum of Understanding (MoU) dated 14th December, 2021 was entered into between the parties, whereby it was agreed that the defendants no.1 and 2 would sell some other properties to pay the sale consideration to the plaintiffs. However, the defendants sold the said properties to third parties in violation of the aforesaid MoU.

10. Despite non-payment of the sale consideration, the defendants continue to retain possession of the suit properties.

11. Issue notice.

12. Notice be issued to the defendants through all modes.

13. Reply(ies) be filed within four weeks.



14. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.
15. A *prima facie* case is made out on behalf of the plaintiffs. Consequently, till the next date of hearing, status quo with regard to title and possession shall be maintained by the parties in respect of the properties detailed in paragraph 1 of the plaint. The defendants are further restrained from raising any construction over the suit properties till the next date of hearing.
16. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be done within five days.
17. List before the Court on 14th March, 2023.

AMIT BANSAL, J

SEPTEMBER 12, 2022

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