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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 555/2022

JOGENDER SINGH RUHELLA Plaintiff

Through: Mr.J.K.Jain, Adv.

versus

RAMA CHAUDHARY Defendant

Through: Mr.Gita Dhingra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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14.03.2023

I.A. 14786/2022 & I.A. 20134/2022

1. I.A. 14786/2022 has been filed by the plaintiff *inter alia* praying for an *ad interim* injunction restraining the defendants from selling, transferring, alienating or parting with possession or creating any third-party interest in the following plots:

“1. That plaintiffs were the joint Owner in respect of the following Plots:

(a) Plot bearing No.2154 measuring 200 Sq. Yards out of Khasra No.32 Min of Village Khampur Raya, now known as Guru Arjun Nagar, New Delhi-110008.

(b) Plot bearing No.2155 measuring 200 Sq. Yards out of Khasra No.32 Min of Village Khampur Raya, now known as Guru Arjun Nagar, New Delhi-110008.

(c). Plot bearing No.2156 measuring 200 Sq. Yards out of Khasra No.32 Min of Village Khampur Raya, now known as Guru Arjun Nagar, New Delhi-110008.

(d) Plot bearing No.2159/2 measuring 115 Sq. Yards out of Khasra No.32 Min of Village Khampur Raya, now known as Guru Arjun Nagar, New Delhi-110008.

(e). Plot bearing No.2159/3 measuring 115 Sq. Yards out of Khasra No.32 Min of Village Khampur Raya, now known as Guru Arjun Nagar, New Delhi-110008.

(f). Plot bearing No.2160 measuring 100 Sq. Yards out of Khasra No.32 Min of Village



Khampur Raya, now known as Guru Arjun Nagar, New Delhi-11 0008.

(g). Plot bearing No.XVII/2174 measuring 200 Sq. Yards out of Khasra No.30 of Village Khampur Raya, now known as Guru Arjun Nagar, New Delhi-110008.”



2. On this application, this Court vide *ex parte ad interim* order dated 12.09.2022, had been pleased to restrain the defendant from raising any construction over the suit properties and also maintain *status quo* with respect to the title and possession thereof.
3. I.A. No.20134/2022 has been filed by the defendant seeking vacation/modification of the said *ex parte ad-interim* order.
4. The learned counsel for the defendant submits that the *interim* order in so far as the property bearing no.2160 admeasuring 100 Sq. Yards out of Khasra No.32 Min of Village Khampur Raya, known as Guru Arjun Nagar, New Delhi-110008 be vacated so that the defendant could raise construction over the said plot. After the construction, the defendant would be in a position to pay the principal suit amount to the plaintiff.
5. The learned counsel for the plaintiff, on the other hand, submits that such request from the defendant have earlier been accepted by the plaintiff, but the same on each occasion have been dishonoured by the defendant. In this regard, he has drawn my attention to the Memorandum of Understanding (in short, ‘MoU’) dated 14.12.2021, and submits that the defendant transferred only one flat of 2 BHK in property no. XVII/2174 and two flats of 3 BHK out of four flats in property bearing No. XVII/2154 in favour of the plaintiff. The payment against the cheques that were issued by the defendant was stopped by the defendant. He submits that, therefore, out of total sale consideration of Rs.4,60,20,000/-, the plaintiff, in spite of more



than three years having been passed, has only received a consideration of around Rs.2 Crore only, that too in kind.

6. The learned counsel for the defendant/applicant submits that the payment was delayed only because of various litigations initiated by the plaintiff and due to the outbreak of the Covid-19 pandemic.
7. I have considered the submissions made by the parties.
8. Admittedly, there is a default on part of the defendant in not complying with the terms of the sale deed as also the terms of the MoU that have been executed between the parties much after the filing of the litigations, that is prayed as a defence by the defendant.
9. In my opinion, therefore, the *ad interim* injunction granted in favour of the plaintiff deserves to be confirmed to operate during the pendency of the present suit.
10. Accordingly I.A. no.14786/2022 is disposed of in the above terms confirming the *ad interim* order dated 12.09.2022 and directing it to operate during the pendency of the present suit.
11. I.A. 20134/2022 shall stand dismissed.

CS(OS) 555/2022

12. The parties shall file a Joint Schedule of Documents within a period of two weeks from today.
13. At the request of the learned counsels for the parties, the parties are referred to the Delhi High Court Mediation and Conciliation Centre, where they shall appear on 21st March, 2023 at 4.00 p.m.
14. List before the learned Joint Registrar (Judicial) on 19th May, 2023.

NAVIN CHAWLA, J

MARCH 14, 2023
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