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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 1052/2022

MS DURGA SARVESHVAR KAINTHOLA Petitioner
Through: Ms. Radhika Arora and Mr. Nitin
Kumar, Advocates.
versus

DR MAHESH CHANDRA GOKLANEY Respondent

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

% **ORDER**
06.10.2022

C.M. Appl. No. 43212/2022 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CONT.CAS(C) 1052/2022

1. The present petition alleges violation by respondent of the terms of the settlement agreement dated 21.02.2019, in terms of which CS(OS) No. 599/2018 was decreed by this Court on 18.07.2019. The relevant portion the settlement agreement stated to have been breached/violated by the respondent is as under:-

“The parties through the mediation session resolved their disputes jointly agreeing to sell the above said painting consigned and presently in possession of M/s Christie’s Auction House, New York also sharing the proceeds. Besides sharing the proceeds, First Party also agreed to transfer immovable property i.e. House No. J-212, Third Floor, Saket, New Delhi - 10017 (hereinafter referred to as the Said House Property) with roof rights in favour of the Second Party within seven working days from the conclusion of the sale of the said painting.”



2. Learned counsel for the petitioner submits that in violation of aforementioned stipulation in the settlement agreement, respondent has transferred the immovable property, i.e., House No. J-212, Third Floor, Saket, New Delhi – 110017 to Ms Priya Rani (*hereinafter referred to as 'Transferee'*). It is submitted that, thereafter, the transferee has proceeded to file a suit for possession against the petitioner. It is further submitted that the respondent and transferee have colluded to overreach/wilfully disobey the terms of settlement agreement and the order/judgment dated 18.07.2019 passed by this Court.
3. Issue notice to the respondent on steps being taken by the petitioner through all permissible modes, including electronically, returnable on 6th March, 2023. *Dasti* in addition.
4. Let reply be filed by the respondent within a period of four weeks. Rejoinder thereto, if any, be filed before the next date of hearing.

SACHIN DATTA, J

OCTOBER 6, 2022/AK