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

+ **CS(OS) 659/2011**

ANAND PRAKASH BANSAL Plaintiff

Through: Mr Manish Vats, Advocate.

versus

NARESH BATRA Defendant

Through: Mr Aviral Tiwari, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.11.2016**

IA No.10765/2016

1. This is an application filed by the plaintiff, *inter alia*, praying that the amount of ₹1.63 crores deposited by the plaintiff in this Court be released to the plaintiff along with accrued interest.
2. The above captioned suit has been filed for seeking specific performance of Agreements to Sell dated 17.09.2010 and 13.12.2010. The aforesaid amount was deposited by the plaintiff pursuant to an order dated 18.03.2011, which was passed in view of the statement made by the learned counsel for the plaintiff that the plaintiff was ready to deposit the aforesaid sum with the Registrar General of this Court to indicate his readiness and willingness to perform the contracts in question.
3. It is the plaintiff's case that it had paid a sum of ₹1.06 crores to the defendant for purchase of the property bearing house no.169, Pocket-H-19,



Sector-7, Rohini, Delhi-110085 and the balance consideration payable is ₹1.63 crores.

4. Plaintiff had deposited the aforesaid sum, which clearly indicates that as on 18.03.2011, the plaintiff was in a position as well as was ready and willing to perform the agreements in question. The plaintiff has further undertaken that the said sums would be deposited in Courts as and when called upon to do so. The learned counsel for the defendant also does not have any objection if the amount as deposited by the plaintiff is released to him.

5. In the circumstances, no purpose would be served to retain the said funds with the Registrar General of this Court. Accordingly, the application is allowed. The Registry is directed to refund the amount of ₹1.63 crores along with accrued interest to the plaintiff, subject to the plaintiff submitting an undertaking by way of an affidavit to the Court that the plaintiff would re-deposit the said funds along with interest as and when called upon to do so.

6. The application is disposed of.

VIBHU BAKHRU, J

NOVEMBER 03, 2016
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