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

+ RFA 48/2022

SH. VISHAL GROVER Appellant

Through : Mr.Rajeev Saini, Advocate.

versus

MANJITPALSINGH & ANR. Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **08.02.2022**

1. The hearing has been conducted through Video Conferencing.

CM APPL. 6968/2022

2. The learned counsel for appellant submits requisite Court fee shall be placed on record within two weeks from today.

3. In view of above statement the application stands disposed of.

CM APPL. 6969/2022

4. Exemption allowed, subject to all just exceptions.

5. The application stands disposed of.

RFA 48/2022 & CM APPL. 6967/2022

6. This appeal is filed against the impugned judgment dated 24.09.2021 passed by the learned Trial Court in CSDJ No.609130/2016 whereby the suit filed by appellant for specific performance was dismissed on the ground the original *Agreement to Sell* dated 24.02.2010 was not placed on record.

7. The learned counsel for the appellant submits the original ATS was lost and he got the NCR registered on 22.01.2015 and he proved the ATS through secondary evidence, however, the learned Trial Court had decided against the appellant herein stating inter alia the appellant could not prove as to how he was satisfied with the representation made by the respondent No.1



regarding his ownership of 1/27th share in the subject property and what was relationship of respondent No.1 with registered owner namely C.Prabhu Dayal.

8. It is submitted respondent No.1 was in fact the grandson of C.Prabhu Dayal – registered owner and after his death, the respondent No.1 became owner of the subject property to the extent of 1/27th share and ATS was executed between the appellant and respondent No.1.

9. Issue notice to the respondents through all modes email and whatsapp returnable before the learned Registrar on 18.07.2022.

10. In the meanwhile, LCR be requisitioned.

11. Upon completion of service/pleadings, the matter be listed before this Court.

YOGESH KHANNA, J.

FEBRUARY 08, 2022

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