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

+ **CS(OS) 722/2023, I.A. 22178/2023**

AKANKSHA SHARMA & ANR.Plaintiff

Through: Mr. Abhinav Sharma, Ms. Avsi
Malik, Advocates.

versus

BALKISHAN RATHIDefendant

Through:

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER

% **09.01.2025**

I.A. 31266/2024 (Order VIII Rule 10 r/w Order XII Rule 6 and Section 151, CPC)

1. This application has been filed under Order VIII Rule 10 read with Order XII Rule 6 and Section 151, Code of Civil Procedure, 1908 (“**CPC**”) for passing judgment against defendant. By order dated 14th May 2024, defendant’s right to file the written statement was closed. Hence, this application has been filed seeking disposal of the suit.

2. The crux of the matter relates to an Agreement to Sell (“**ATS**”) dated 23rd November 2020 executed between plaintiff and defendants for conveyance of property admeasuring 1100 sq. yards comprised in Khasra No. 478/396/87/1 situated in the Revenue Estate of village Masoodpur, New Delhi (“**suit property**”). Consideration of Rs. 7,50,00,000/- (*Rupees Seven Crores only*) was agreed upon and as part of the consideration; Rs.



1,86,00,000/- (Rupees One Crore Eighty Lakhs only) was paid to the defendant. Later, it came to light that the ATS would be void since the defendant did not have any valid authority or title and has also admitted so.

3. It is also stated that FIR No.550/2022 was registered at Police Station Vasant Kunj, South, Delhi and bail was granted to the defendant/accused on depositing Rs. 75,00,000/- (*Rupees Seventy-Five Lakhs only*) before the Trial Court, compliance of which has since been made.

4. Issue notice.

5. Notice accepted by counsel for defendants. Proxy counsel for defendant says that *vakalatnama* has also not been filed from Mr. Yogesh Kumar Dahiya, Advocate. The same shall be filed before the next date of hearing.

6. Reply, if any, be filed or otherwise, instructions be taken and communicated on the next date of hearing.

7. List on 26th March 2025.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 9, 2025/ak/sc