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

+ **CS(OS) 612/2019**

S.P. CHAUHAN

..... Plaintiff

Represented by: Mr.Jay Savla, Sr. Advocate with
Mr.Ashim Shridhar, Mr.Shashi Pratap
Singh, Ms.Niyati Patwardhan and
Mr.Parbhat Chaurasia, Advocates.

versus

ANIL KUMAR BAMBAH

..... Defendant

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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26.11.2019

I.A. 16531/2019 (exemption)

1. Allowed, subject to all just exceptions.
2. Original documents/certified copies, if any, be filed within 30 days.
3. Application is disposed of.

CS(OS) 612/2019 I.A. 16530/2019 (under Order XXXIX Rule 1 and 2 CPC)

1. Complaint be registered as a suit.
2. Issue summons in the suit and notice in the application to the defendant on the plaintiff taking steps through ordinary and dasti process, registered AD and speed post returnable on 8th January, 2020 before the Joint Registrar for completion of service, pleadings and admission/denial of documents.
3. Summons to the defendant shall indicate that the written statement to

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the plaint shall be positively filed within 30 days of the receipt of the summons. Liberty is given to the plaintiff to file the replication within three weeks of the receipt of the advance copy of the written statement.

4. Admission/denial of documents shall be filed on affidavit by the parties along with the pleadings.

5. List the suit and application before Court on 24 February, 2020.

6. Case of the plaintiff is that the plaintiff entered into an agreement to sell with the defendant in respect of property bearing Flat built on Freehold Plot No.47, Third Floor North Avenue Road, West Punjabi Bagh, New Delhi-110026 along with roof rights measuring about 3100 sq.feet on plot measuring approximately 700 sq.yards (in short 'the suit property'. The plaintiff paid the entire sale consideration, that is, a sum of ₹2.10 crores and has been handed over the possession of the suit property however, the defendant is not coming forward to execute the sale deed on the pretext that the original title deeds were not in his possession and were with the mediator as stated in the reply to the notice.

7. Considering the documents placed on record and particularly the reply to the notice given by the defendant, till the next date of hearing, the defendant or his agents etc. are directed not to create any third party interest on the basis of the original title deeds of the suit property mentioned above.

8. Compliance under Order XXXIX Rule 3 CPC be made within one week.

9. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 26, 2019/'vn'

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