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

+ CS(OS) 549/2008

SH. RAVINDRA KISHORE SINHAPlaintiff

Through: Mr. Sunil Kumar, Sr. Adv. with Mr.
Mriganu Prabhakar, Ms. Aashina
Ranjan and Ms. Astha Singh, Advs.

versus

SMT. MANJULA BHUSHANDefendant

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.04.2026

I.A. 12221/2026 (by plaintiff under Section 151 CPC)

1. The present application has been filed by the plaintiff seeking withdrawal of amount deposited in terms of order dated 26.03.2008 in the present suit.
2. The present suit was filed by the plaintiff seeking specific performance of Agreement to Sell dated 31.03.2005. When the matter was listed on 26.03.2008, this Court restrained the defendant from disposing of, creating third party rights over, or parting with any portion of the property being the second floor, third floor and the roof rights, as well as, the three servant quarters in its possession, till the next date of hearing, subject to the plaintiff depositing Rs.2 crores within a period of six weeks from the date of the order, with the Registry of this Court. Accordingly, the plaintiff deposited the said amount in terms of the aforesaid order, which is stated to have been kept in the form of fixed deposit.
3. Mr. Sunil Kumar, learned Senior Counsel appearing on behalf of the plaintiff submits that the suit was dismissed as not maintainable *vide* judgment dated 09.11.2009 on the ground that the contract between the parties in respect



of the second floor and third floor was abandoned and no part of the contract survived which could be specifically enforced.

4. The plaintiff assailed the said judgment of the learned Single Judge by preferring an appeal being RFA(OS) No.102/2009 before the Division Bench of this Court. The said RFA was also dismissed by the Division Bench *vide* order dated 04.12.2009. The challenge was, thereafter, carried by the plaintiff to the Hon'ble Supreme Court by filing an SLP. The said SLP was converted into Civil Appeal No.6323/2010, which also came to be dismissed by the Hon'ble Supreme court *vide* order dated 30.10.2025.

5. Mr. Kumar submits that since the dismissal of the suit has attained finality, therefore, the plaintiff/applicant is seeking withdrawal of the amount so deposited by the plaintiff in terms of order dated 26.03.2008.

6. Having perused the application, the orders of the learned Single Judge, the Division Bench, as well as, the order of the Hon'ble Supreme Court passed in Civil Appeal No.6323/2010, this Court is of the view that there is no impediment in allowing the present application.

7. Accordingly, the application is allowed and the Registry is directed to refund the amount of Rs.2 crores to the plaintiff along with interest accrued thereon, within a period of three weeks from today. The said amount be disbursed into the account of the plaintiff/applicant, details of which have been furnished in para 7 of the present application.

8. With the aforesaid direction, the application stands disposed of.

VIKAS MAHAJAN, J

APRIL 30, 2026/aj