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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 44/2020**
ARTI CHAUDHARY

..... Appellant

Through : Mr.V.S.Dubey, Advocate.

versus

VINOD KUMAR & ORS

..... Respondents

Through : None.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **22.01.2020**

CM APPL.No.2553/2020

For the reasons mentioned in the application the delay of 10 days in refiling of the appeal stands condoned.

The application stands disposed of.

CM APPL.No.2554/2020

The learned counsel for the appellant says the requisite court fees shall be filed within two weeks from today.

In view of statement so made, the application stands disposed of.

CM APPL.No.2552/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RFA 44/2020 & CM APPL.No.2551/2020

This is an appeal against the impugned judgment dated 28.09.2019 whereby the suit for specific performance, damages, injunction etc. filed by the appellant was dismissed on the ground it was an open ended contract which could not be specifically enforced

and it was difficult to ascertain the readiness and willingness of the parties during the timeframe of the agreement.

Though the agreement to sell dated 18.04.2005 - Ex.PW1/2 reveal no time was fixed for completion of such contract, but admittedly, the consideration for the agreement was Rs.20,00,000/-; out of which Rs.7,00,000/- was paid on 18.04.2005 and Rs.2,00,000/- on 28.08.2005 and further Rs.1,00,000/- on 24.02.2006; duly acknowledged by the respondent Mr.Vinod Kumar. It is stated since there was no period stipulated in the agreement for execution of the sale deeds hence prior to the expiry period of limitation the appellant had filed this suit for specific performance and also had deposited the balance amount of Rs.10,00,000/- by demand draft/banker's cheque showing his readiness and willingness to complete the transaction, hence, issue notice to the respondents through all modes returnable on 13.07.2020 and in the meanwhile status quo qua the *title* of the property be maintained by the parties.

Order *dasti*.

YOGESH KHANNA, J.

JANUARY 22, 2020

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