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

+ RFA 942/2025

ANIL KUMAR JAIN

.....Appellant

Through: Mr. Anil Goel, Mr. Aditya Goel and
Mr. Pranjal Sharma, Advocates.

versus

NEELAM & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **09.10.2025**

CM APPL. 63296/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

RFA 942/2025 & CM APPL. 63295/2025 (ex-parte stay)

By way of the present regular first appeal filed under section 96 read with Order XLI Rule 1 of the Code of Civil Procedure 1908, the appellant impugns judgment and decree dated 03.07.2025 passed by the learned District Judge, West-District, Tis Hazari Courts, Delhi in suit bearing CS No. 1418/2018.

2. Learned counsel appearing for the appellant (plaintiff in the suit) submits, that as would be seen from perusal *inter-alia* of para 23 of the impugned judgement, the learned trial court has declined to grant specific performance of the agreement to sell despite the fact that the respondents (defendants in the suit) had failed to lead evidence to



show that the agreement to sell, receipt, and possession letter relied-upon by the appellant were forged or fabricated; while on the other hand, it is the appellant's case that he had proved the receipt of sale consideration of Rs.20 lacs by the respondents (defendants in the suit).

3. Moreover, it is pointed-out that having rejected the prayer for specific performance, the learned trial court has not even directed for refund of the sale consideration of Rs. 20 lacs that was admittedly paid by the appellant to the respondents.
4. Issue notice.
5. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
6. Let the notice indicate that reply to the application bearing CM APPL. No. 63295/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
7. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
8. Re-notify on 23rd December 2025 before the learned Joint-Registrar for completion of service; and for completion of pleadings in the application.
9. No reply is required in the appeal.
10. List before court thereafter.
11. On a *prima-facie* view of the matter, in view of the submissions made, and upon perusal of the impugned judgement, it is directed that *status-quo* shall be maintained by the respondents as to the title and



possession of the suit property bearing No. FZ-42, Out of Khasra No. 72/1, built-up with 2½ storey, situate at Laxmi Park, near Nihal Vihar, Nangloi, Delhi.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 9, 2025

V.Rawat