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

+ **CS(OS) 734/2025 with I.A. 25686/2025 & I.A. 25687/2025**

SH. VIKAS AGGARWALPlaintiff

Through: Mr. Kunal Madan and Mr. Piyush
Jain, Advocates

versus

MRS. RENU GUPTADefendant

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **15.10.2025**

I.A. 25687/2025 (seeking exemption from filing true typed/ translated copies/ transcript of documents)

1. Allowed, subject to the plaintiff filing true typed copies/ translated copies/ transcript of the documents mentioned in the present application within four (4) weeks.

2. The application stands disposed of.

CS(OS) 734/2025

3. Let the plaint be registered as a suit.

4. Summons be issued to the defendant through all permissible modes including email.

5. The summons shall state that the written statement shall be filed by the defendant within thirty (30) days from the date of the receipt of summons. Along with the written statement, the defendant shall also file an affidavit of admission/ denial of the documents of the plaintiff, without which the written statement shall not be taken on record.



6. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the replication filed by the plaintiff, an affidavit of admission/ denial of the documents of the defendant be filed by the plaintiff.

7. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

8. List before the Court on 27th November, 2025 in the category of 'Supplementary List'.

I.A. 25686/2025 (u/O-XXXIX Rules 1 & 2 of the CPC)

9. The present suit has been filed seeking specific performance of the Agreement to Sell (hereinafter 'ATS') dated 5th March, 2025 in respect of Flat No. B-708, 7th Floor, Narwana Apartments, Plot No. 89, I.P. Extension, Patparganj, Delhi-110092 (hereinafter 'suit property'). As per the ATS, the sale of the suit property had to be completed on or before 30th June, 2025.

10. It is the case of the plaintiff that in terms of the ATS, the suit property was agreed to be sold to the plaintiff for a total sum of Rs. 2.5 crore. Out of the aforesaid sum, Rs. 25,00,000/- was paid by the plaintiff to the defendant by way of cheque/ UPI payment and Rs. 85,00,000/- in cash.

11. Counsel for the plaintiff submits that the plaintiff is ready and willing to pay the balance sum in terms of the ATS.

11.1. Attention of the Court has also been drawn to loan sanction letter dated 2nd July, 2025 by Axis Bank in favour of the plaintiff for a sum of Rs. 1,25,00,000/-.

12. It is submitted on behalf of the plaintiff that pursuant to the aforesaid loan sanction, the officials of the aforesaid bank in fact visited the suit property, as is also reflected from the reply dated 25th August, 2025 sent by



the defendant to the compliance letter dated 21st August, 2025 issued by the plaintiff to the defendant.

13. Subsequently, notices/ replies were exchanged between the parties wherein the defendant refused receipt of any amount on behalf of the plaintiff in cash.

14. Counsel for the plaintiff submits that receipt of the aforesaid amount in cash has been duly acknowledged by the defendant by way of written endorsements at the backside of the ATS itself.

15. None appear on behalf of the defendant despite advance service.

16. Issue Notice.

17. Notice be issued to the defendant through all permissible modes including email.

18. Reply be filed within three (3) weeks.

19. Rejoinder thereto, if any, be filed within two (2) weeks thereafter.

20. In view of the above, a *prima facie* case is made out in favour of the plaintiff and against the defendant.

21. Consequently, till the next date of hearing, the defendant is restrained from executing, selling, transferring, alienating or creating any third-party right or interest in respect of the suit property.

22. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be done within three (3) days.

23. List before the Court on 27th November, 2025 in the category of '*Supplementary List*'.

AMIT BANSAL, J

OCTOBER 15, 2025
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