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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 956/2024 I.A. 46838/2024 I.A. 46839/2024**
ISHWAR SINGH & ANR.Plaintiffs

Through: Mr. Mandeep Kumar Sharma,
Mr. Deepak Gupta & Mr. N.K.
Bhardwaj, Advocates

versus

MANOJ CHHABRADefendant
Through: Mr. Dinesh Kumar, Adv (thru VC)

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **13.01.2025**

1. This suit has been filed seeking specific performance of an allegedly oral Agreement to Sell (“**ATS**”) dated 12th November 2022, whereby defendant had offered to sell land admeasuring a total of 2100 sq. yards (“**suit property**”) for a total consideration of Rs. 3,67,20,000/- (*Rupees Three Crores Sixty-Seven Lacs Twenty Thousand only*). It is alleged that plaintiffs have made part payment of Rs. 55,00,000/- (*Rupees Fifty-Five Lacs only*) to defendant in 4 instalments and then approached the defendant for execution of the sale deed which was refused by him.
2. According to counsel for plaintiffs, Rs. 55,00,000/- were paid in 4 instalments in the following manner:

“a. An amount of Rs. 13,00,000/- (*Rupees Thirteen Lacs Only*) by way of cash on dated 12.11.2022



- b. An amount of Rs. 13,00,000/- (Rupees Thirteen Lacs Only) by way of cash on dated 02.01.2023.*
- c. An amount of Rs. 7,00,000/- (Rupees Seven Lacs Only) by way of cash on dated 14.01.2023.*
- d. An amount of Rs. 12,00,000/- (Rupees Twenty Five Lacs Only) was transferred from the accounts of Mr. Ishwar Singh (Plaintiff no.1) on dated 03.04.2024.*
- e. An amount of Rs. 10,00,000/- (Rupees Ten Lacs Only) by way of cash on dated 03.05.2024.”*

3. Counsel for the plaintiffs states that he would like to place the document on record verifying the transfer of Rs. 12,00,000/- into the defendant's account. If any such document is available, plaintiffs shall be at liberty to place the same on record before the next date of hearing.

4. Counsel for defendant, who appears through VC, on advance notice, states that not only the defendant is not owner of the suit property but also post confirmation, he states that the amount of Rs. 12,00,000/- was never received in the defendant's account. Moreover, defendant himself has filed a suit for specific performance against the landowner Sh. Prem Singh being **CS (OS) 454/2024** titled **Manoj Chhabra v. Prem Singh**, which is coming up before this Court on 3rd February 2025.

5. Accordingly, list this suit as well on 3rd February 2025 for plaintiffs to argue on the maintainability of the suit itself *inter alia* to overcome the objections with respect to lack of ownership of land by the defendant, no proof of any amounts transferred to defendant, etc.

6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 13, 2025/sm/sc