



\$~9

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

+ **CS(OS) 1628/2010**

PRADEEP GODHWANI

..... Plaintiff

Represented by: Mr. Jagdev Singh, Mr. Sachin
Saini, Advs.

versus

PARTHO ROY CHOWDHRY & ANOTHER

..... Defendant

Represented by: Ms. Anubha Singh, Adv. for
D-1.
Mr. S.K. Bhaduri, Ms.
Vandana, Advs. for D-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.09.2017

%

CS(OS) 1628/2010

Written statement of defendant No.2 has been taken on record after the delay was condoned on 5th November, 2014. Amended written statement of defendant No.2 was also filed on 26th April, 2016 whereafter the right of the plaintiff to file replication was closed by this Court on 15th July, 2016. The delay in filing the written statement by defendant No.1 was not condoned by the learned Joint Registrar vide order dated 28th September, 2012 which order was challenged by defendant No.1 by filing OA 129/2012 which was dismissed for non-prosecution on 11th August, 2015. Hence the written statement of defendant No.1 is not on record. Affidavits of

CS(OS) 1628/2010

page 1 of 2



admission denial of documents of the plaintiff have not been filed by defendant No.1 to which last opportunity had been granted by the learned Joint Registrar on 14th September, 2017.

List the suit for settling the issues on 13th December, 2017.

IA 10540/2010 (u/O XXXIX R 1&2 CPC)

Interim order was passed by this Court in the application on 6th January, 2014 restraining the defendants from creating any third party interest in the suit property which was further extended vide order dated 5th November, 2015.

List the application for hearing on 13th December, 2017.

Interim order to continue.

IA 7689/2014 (u/S. 14 Specific Relief Act r/w O. VII R 11 CPC by D-2)

Plea of defendant No.2 in the application is that the agreement to sell is not signed by defendant No.2 and in any case the agreement to sell, specific performance whereof is being sought by the plaintiff is an agreement to enter into an agreement to sell and hence the suit is not maintainable.

Reply affidavit to the application has been filed by the plaintiff. Rejoinder affidavit be filed by the defendant No.2 within four weeks.

List on 13th December, 2017.

MUKTA GUPTA, J.

SEPTEMBER 22, 2017

‘ga’

CS(OS) 1628/2010

page 2 of 2