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

+ CS(OS) 637/2017 & I.A. 14115/2017

MR. MANOJ KUMAR GARG

..... Plaintiff

Through: Mr. Vivekanand, Mr. Abhishek
Semwal, Advocates.

versus

MR. SATYA NARAIN BANSAL

..... Defendant

Through: Mr. Dilip Singh, Mr. Raj Lakshmi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.05.2023

1. I am informed that the mediation proceedings have been unsuccessful.
2. With the assistance of learned counsel for the parties, the following issues are framed in the present suit:
 - I. *Whether the agreement to sell dated 24.03.2017 was executed by the defendant as security for a loan transaction? OPD*
 - II. *Whether the agreement to sell dated 24.03.2017 is vitiated by fraud, duress or coercion of the plaintiff upon the defendant? OPD*
 - III. *Whether the sale consideration in the agreement to sell dated 24.03.2017 is inadequate, and if so to what effect? OPD*
 - IV. *Whether the termination of the agreement to sell dated 24.03.2017 by the defendant vide letter dated 12.12.2017 is valid? OPD*
 - V. *Whether the plaintiff was ready and willing to perform his obligations under the agreement to sell dated 24.03.2017? OPP*

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- VI. *Whether the plaintiff is entitled to the release of specific performance of the agreement to sell dated 24.03.2017? OPP*
- VII. *Whether the plaintiff is entitled to mesne profits and damages, as claimed, and if so, the quantum thereof? OPP*
- VIII. *In the event answer to issue No. VI is in the negative, whether the plaintiff is entitled to refund of the amount of ₹1,32,00,000/-? If so, whether the plaintiff is also entitled to interest thereupon, and the rate of interest? OPP*
- IX. *Costs.*
- X. *Any other relief.*
3. The parties may file their list of witnesses within four weeks. The plaintiff may also file affidavits of evidence of its witnesses within the same period.
4. List before the learned Joint Registrar on 08.08.2023 for fixing the schedule of evidence.
5. The opportunity of recording of evidence before a Local Commissioner has been given to learned counsel for the parties, but declined.
6. List before the Court on 22.11.2023.

PRATEEK JALAN, J

MAY 24, 2023

“Bhupi”/