

I.A. NO. ___/2020
In RCA NO. 60794/16

Mahender Kumar Pandey Vs. Gugan Chand (since deceased) through Legal heirs and Ors.
29.07.2020 (2.30 p.m.)


Application under Order 40 read with Section 151 CPC alongwith application under order 41 CPC for stay of impugned judgment dated 28.10.2014 alongwith annexures filed by applicant/appellant received on court email ID from Filing Section, West, THC, Delhi and the same has been put before the undersigned by reader through email. **It be checked and registered as I.A. number.**

Pr: None.

(Mobile no. of Id.counsel for appellant: Sh.Subrat Deb and Sh.Ranjeet Mishra i.e. 9810576995, 9971863566 and email ID: debsubrat@gmail.com & mishraranjeet20@gmail.com **as provided in the application**).

Put up tomorrow i.e. 30.07.2020.

Applicant/appellant and/or his counsel be intimated accordingly.


(Vikas Dhull)
ADJ-01, West, THC,
Delhi

CS No. 12822/16
Bhim Sain Jain Vs. Dalip Kumar Jain

29.07.2020 (2.40 p.m.)


Urgent Application alongwith application under Order XXXIX Rule 1 and 2 read with Section 151 CPC alongwith documents received on court email ID from Filing Section, West, THC, Delhi and the same have been put before the undersigned through email. Be checked and registered as IA number.

Pr: None.

(Mobile No. of Sh.S.C.Singhal, Id.counsel for plaintiff: 9810061558 and email ID: scsinghal@rediffmail.com as provided in the Index).

Put up tomorrow i.e. 30.07.2020.

Applicant/plaintiff and/or his counsel be intimated accordingly.


(Vikas Dhull)
ADJ-01, West,
THC, Delhi

Execution No. ___/2020
Madan Mohan Tiwari Vs. Janardan Tiwari and Ors.

29.07.2020 (2.10 p.m.)


Fresh execution received by way of assignment by PA in the court from Filing Section, West, THC, Delhi and has been put before the undersigned through whatsapp by reader, who also received the same on his whatsapp. **It be checked and registered.**

Pr: None.

(Mobile No. of DH: 9350817190, email ID: mmes12@gmail.com as provided in the memo of parties of execution petition).

Nazir to report for 21.08.2020.

DH to be informed telephonically.


(Vikas Dhull)
ADJ-01, West,
THC, Delhi

Civ DJ 12932/16
Sh.Parminder Singh Vs. Sh.Joachim Lakra and Ors.

Through Cisco Webex Video Conferencing

29.07.2020 (11.25 a.m. to 11.42 a.m.)

Pr: Sh.Harpreet Singh Popli, Ld.counsel for
defendants no.2 and 3.

(Mobile No. 9899999336)

(Email ID. harrypopli@gmail.com.)

Sh.Sanjay Aggarwal, Ld.counsel for plaintiff.

(Mobile No.:9810031823, 9871588350)

(Email ID of counsel.Sa9870@gmail.com)

1. Reply filed by plaintiff received on court email ID and the same has been put before the undersigned through email.
2. Ld.counsel for defendants no.2 and 3 confirms regarding receipt of reply.
3. **Arguments heard.**
4. Vide the present application, defendants no.2



and 3 have prayed that they be allowed to sell **the second floor of property bearing no.C-680, Vikas Puri, New Delhi (hereinafter referred to as the suit property)** and be allowed to retain 50% of the sale proceeds and 50% be allowed to be deposited in the court which will be released at the end of trial either to the plaintiff or to defendants no.2 and 3 as per the judgment.

5. It is submitted in the application that defendants no.2 and 3 are facing financial crunch which necessitated the filing of present application seeking permission of the court to sell the suit property.
6. It was submitted that plaintiff and defendants no.2 and 3 being builder had undertaken to construct the property of defendant no.1 and in view of which defendant no.1 had agreed to give suit property to plaintiff and defendants no.2 and 3 and plaintiff and defendants no.2 and 3 were to divide 50% of the sale proceeds



in equal shares.

7. It was further submitted that plaintiff did not contribute as per his own share in the building of entire property and the entire amount was spent by defendants no.2 and 3 but this issue can be decided only after the evidence and, therefore, the share which has to come to plaintiff of 50% be deposited in the court and in case, defendants no.2 and 3 are able to prove that nothing was contributed by plaintiff, then the said amount can be released to defendants no.2 and 3 after trial. Accordingly, they have sought permission of the court for selling the suit property.
8. Ld.counsel for plaintiff has disputed that he has not invested in the building of entire property.
9. It was further submitted by him that as per the collaboration agreement, defendant no.1 had to execute the sale deed in favour of plaintiff and defendants no.2 and 3 but fraudulently, the same has been got registered in favour of



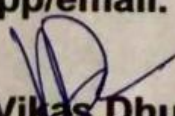
defendant no.2 only.

10. It was further submitted that it is a matter of trial as to whether plaintiff is entitled for a decree of specific performance to get the suit property registered in his own name and whether he had invested the amount as per his share in the building of entire property or not?
11. However, ld.counsel for plaintiff submitted that he has no objection if defendants no.2 and 3 and the plaintiff are allowed to explore the prospective buyer and plaintiff is also willing to purchase the suit property and will deposit the entire sale proceeds in the court after purchase out of which 50% can be released to defendants no.2 and 3 and the remaining amount can be deposited in the form of FDR in the court which can be released either to the plaintiff or defendants no.2 and 3 depending upon the outcome of trial.
12. Ld.counsel for defendants no.2 and 3 has also not objected to the suggestion put forward



by plaintiff's counsel and he has submitted that defendants no.2 and 3 and plaintiff can search for prospective buyers and can exchange the sale price being offered by prospective buyer and will apprise this court on the next date of hearing, the price being offered by the prospective buyers with regard to **suit property i.e. second floor of property bearing no. C-680, Vikas Puri, New Delhi.**

13. Ld.counsel for plaintiff has also agreed for the same.
14. Both parties have sought three weeks' time to search for their respective prospective buyers. Same is granted.
15. Put upon **24.08.2020** for further proceedings.
16. **A copy of order be sent to the Ld.counsel for parties through whatsapp/email.**


(Vikas Dhull)
ADJ-01, West,
THC, Delhi