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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 2208/2011

NANAK CHAND GOYAL

..... Plaintiff

Through Mr.Prag Chawla, Advocate with
plaintiff in person

versus

BRIJESH JAIN & ANR.

..... Defendants

Through: Mr.Ram Niwas Buri, Advocate with
defendants in person

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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25.05.2015

1. Pursuant to the order dated 7.5.2015, the plaintiff is present along with his counsel. Mr.Chawla hands over the costs of ₹10,000/- as imposed on the said date to the counsel for the defendants.
2. On 10.4.2015, learned counsel for the defendants had stated that he had made a fair offer to the plaintiff that his clients were willing to execute a sale deed in respect of the suit premises in favour of the plaintiff for the agreed sale consideration, after adjusting the sum of ₹7,00,000/- received by them as earnest money, but with the condition that the balance amount should be paid by the plaintiff with simple interest @ 6% p.a.
3. It was in the light of the aforesaid submission that it was

deemed appropriate to direct the presence of the parties. The parties are present today.

4. Learned counsel for the plaintiff states on instructions from his client, that in view of the changed market conditions, due to which the price of the suit premises has plunged, his client is no longer interested in pursuing the present suit whereaunder, a decree of specific performance in respect of House No.269, Pocket-18, Sector-24, Rohini, Delhi has been prayed for. Instead, he states that the plaintiff may be permitted to withdraw the present suit, while reserving his right to seek recovery of the earnest money of ₹7,00,000/- paid to the defendants, in accordance with law.

5. In view of the aforesaid submission, the present suit is disposed of. As and when the plaintiff institutes a suit for recovery of the earnest money paid to the defendants, the same shall be considered by the competent court, in accordance with law and at that stage, the defendants shall be entitled to take all the pleas that may be available to them in law and on facts.

The interim order stands vacated.

The file be consigned to the record room.

HIMA KOHLI, J

MAY 25, 2015
mk/ap