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

+ **FAO(OS) 499/2015 and CM Nos. 17882-17883/2015 and CAV No. 921/2015**

MANJIT SINGH MEHTA Appellant

Through: Mr Vinod Tyagi, Adv.

versus

SUDHIR KUMAR SAHDEV Respondent

Through: Mr Prosenjeet Banerjee and Ms Princy Ponnann and Ms Sufiya Aquil, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% 04.09.2015

We have heard the counsel for the parties and considered the impugned order as well as the pleadings. The appellant/plaintiff's grievance is that the defendant/respondent's application under Order 39 Rule 4 of Civil Procedure Code, 1908 was allowed, despite the subsistence of an initial *ex parte ad interim* injunction, restraining alienation of property being room in BP-33, NH-IV, Pocket-1, Lajpat Nagar, New Delhi. Counsel for the appellant stated that he paid Rs.27 lakhs and purchased the property and the respondents failed to honour their commitment. Consideration of the impugned order would show that the learned Single Judge took into account the written statement as well as the nature of the property—room on the first floor with no

independent access and was persuaded to vacate the interim order initially granted. The defendant contends that the underlying transaction was not motivated by the desire to sell the property, but rather to secure a loan transaction, whereby the plaintiff had advanced Rs.15.50 lakhs. To that extent, there is a clear admission. Consequently, the respondent is hereby directed to deposit Rs.15.50 lakhs with the Registry of this Court within six weeks from today with interest at 10% per annum from 01.01.2013. The said amount shall be retained in a Fixed Deposit to be renewed till the final disposal of the suit, subject to further orders of the learned Single Judge.

The appeal along with pending applications is dismissed, except the above modification.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 04, 2015

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