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

+ **CS(OS) 2652/2008**

MRS. MANJEET BAGGA

..... Plaintiff

Through: Mr. Manmeet Singh, Adv. with Mr.
J.S.Bagga, Attorney of the plaintiff.

versus

SH. GHULAM QADIR WANI & ANR.

..... Defendants

Through: Mr. Naushad Ahmad Khan,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 28.04.2016

1. Ordinarily, this suit would have to be transferred on account of lack of pecuniary jurisdiction of this Court, but, since the suit is being disposed of by compromise, I exercise my powers under Section 24 CPC read with Article 227 of the Constitution of India to retain the suit in this Court.

2. The subject suit is a suit for specific performance. Plaintiff has paid an amount of Rs.8.5 lacs under the agreement to sell dated 7.9.2006 to the defendants.

3. It is agreed and the suit is disposed of by compromise that plaintiff

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will receive a total sum of Rs.13 lacs in full and final satisfaction of all claims against the defendants in the suit. An amount of Rs.5 lacs will be paid by the defendants to the plaintiff within a period of 15 days from today. The balance amount will be paid by the defendants on or before 1.8.2016. In case, amounts as stated above are not paid as per the time schedule herein, then from today interest at 12% per annum simple will be payable on the amount of Rs.13 lacs by the defendants to the plaintiff till the time the payments are made, and for which payments the suit property bearing no.R-191, 2nd Floor, Greater Kailash-I, New Delhi will remain charged to the plaintiff.

4. Suit is accordingly decreed for an amount of Rs.13 lacs with the time schedule of payments as stated above, however, making it clear that since this Court did not have pecuniary jurisdiction to try the suit, execution of the decree, if so required, will be by the competent court which has pecuniary jurisdiction as agreed to by the parties.

5. The amount which has to be paid to the plaintiff in terms of the

present order will be made to the plaintiff through counsel who appears in Court today.

6. Suit is accordingly disposed of.

VALMIKI J. MEHTA, J

APRIL 28, 2016

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