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

+ **FAO(OS) 469/2015**

VISHAL CHAWLA & ANR

..... Appellants

Represented by: Ms.Tanu Malhotra, Advocate.

versus

ASHISH KUMAR

..... Respondent

Represented by: Mr.Tanmaya Mehta, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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08.04.2016

CM No.16071/2015 (Delay)

1. For the reasons stated in the application delay of 86 days in filing the appeal is condoned.
2. Application is disposed of.

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1. Appellants are the sellers. The Respondent is the buyer. Suit for specific performance of the Agreement to Sell concerning immovable property has been filed by the respondent.
2. Indisputably sale consideration agreed is ₹3.29 crores out of which admittedly appellants have received ₹1.10 crores. Meaning thereby 1/3rd of the sale consideration has been received.
3. Vide impugned order dated April 16, 2015, the learned Single Judge has dismissed IA No.19219/2014 filed by the appellants under Order

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XXXIX Rule 4 of Code of Civil Procedure and has refused to vacate the interim injunction granted on July 08, 2014.

4. The signature tune of the impugned order is that having received ₹1.10 crores, the appellants cannot be permitted to sell, transfer, alienate, part with possession or encumber the subject property till suit for specific performance is decided.

5. We concur with the view taken by the learned Single Judge.

6. Appeal is dismissed.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

APRIL 08, 2016

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