

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(COMM) 203/2017 & I.As. 667/20012, 11213/2015, 11221/2015

M/S GCG TRANSGLOBAL HOUSING
PROJECT PVT LTD

..... Plaintiff

Through

Mr. Raman Kapoor, Senior Advocate
with Mr. Manish Kumar and
Mr. Piyush Kaushik, Advocates.

Plaintiffs Mr. Gautam Misra,
Mr. Chaitanya Misra and Mr. Vinod
Kumar Misra in person.

versus

SURAKSHIT EXPORTS PRIVATE LTD & ORS Defendants

Through

Mr. Dinesh Rastogi with Ms. Harshita
Agarwal, Advocates.
Mr. Sridev Sharma, Defendant in
person.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

%

08.12.2017

1. On 6th December, 2017, the Joint Registrar had passed the following order:-

“It is submitted by learned counsel for both the parties that this matter has been settled & they requests for recording of their statement.

Learned counsel for the parties submits that after recording of their statements this matter may be fixed before Hon’ble Court for recording of settlement but not before the

Hon'ble Court of Justice Rajiv Sahai Endlaw as his Lordship had represented one of the party in this matter earlier.

Statement of Learned counsel for both the parties recorded today. Let matter be fixed before Hon'ble Court for further directions on 08.12.2017.

On request, copy of the statement and order be given dasti to learned counsel for both the parties under the signature of Court Master."

2. The joint statement recorded by the Joint Registrar on the said date is also reproduced hereinbelow:-

"Joint Statement of Mr. Manish Kumar (Advocate for plaintiff) and Mr. Dinesh Rastogi (Advocate for defendant)

At Bar.

On instructions from parties, we make following statements as under:

- A. Land admeasuring 15 acres in Bijwasan, the possession of which are with defendants and title documents (in original) with the Court will go to the plaintiff.*
- B. Money lying deposited in terms of orders dated 11.01.2012 and 18.01.2012 to go to Mr. S.D. Sharma, defendant no. 6, for and on behalf of all the defendants in the present suit.*
- C. Plaintiff will carry out publication in two local dailies in respect of the land in question calling for objections, if any.*
- D. Property bearing no. L-1/7, Hauz Khas Enclave, New Delhi which is the subject matter of CS No. 208737/2016 (earlier 611/2000) the possession of which are with the plaintiff, this property's original title documents are with the defendants in the said suit, the original title documents will be delivered by defendants to Mr. S.D. Sharma, AR of the plaintiff.*
- E. Handing over of the possession of 15 acres land, Bijwasan, New Delhi and the delivery of title documents will simultaneously happen in the presence of Local Commissioner duly appointed by the Hon'ble Court.*
- F. Suit No. 208737/2016 will be transferred to this Hon'ble*

Court for recording of statement of parties.

G. Parties will be left with no claims against each other in the present suit as well as in pending CS no. 208737/2016 Court no. 602, Saket District Courts, New Delhi.

H. Parties will remain present for recording their respective statements in the Hon'ble Court."

3. Today, Plaintiffs Mr. Gautam Misra, Mr. Chaitanya Misra, Mr. Vinod Kumar Misra and the defendant Mr. Sridev Shrama are personally present. Learned counsel for the parties states that the aforesaid four individuals are authorised representatives of all the companies/legal entities before this Court.

4. The aforesaid parties confirm that the statement of the respective counsel as made before the Joint Registrar on 6th December, 2017 is binding upon the parties and the parties further agree upon the following terms as under:-

- i) Mr. Amit Sharma, Advocate be appointed as Local Commissioner for the purpose of execution of the settlement agreement as agreed and arrived between the parties.
- ii) The Registry be directed to make a pay order in favour of Mr. Sridev Sharma, defendant no. 6 in the present suit, against the entire money (Rs. 1,69,95,000/- plus Rs. 4,48,05,000/- totalling to Rs. 6,18,00,000/-) along with accrued interest earned thereon as deposited by the plaintiff in terms of the order dated 11th January, 2012 in this Court, and hand over the original title documents in respect of the suit property, i.e., Land admeasuring 15 acres, as mentioned in Schedule A of the plaint to the Local Commissioner.
- iii) The Local Commissioner, will collect the pay order from the

Registry, as well as the original title documents in respect of the suit property, i.e., land admeasuring 15 acres, as mentioned in Schedule A of the plaint.

- iv) That upon receipt of the pay order and the original title documents delivered to the Local Commissioner, the Local Commissioner will visit the suit/Bijwassan property on 20th December, 2017 at 4.00 p.m. for the purpose of handing over the possession and delivery of the original title documents of the suit property to Mr. Gautam Misra, authorized representative of the plaintiff and the pay order as got prepared by the Registry of this Court will be handed over to Mr. Sridev Sharma or his nominee or his lawyer.
- v) That simultaneously with the handing over of the possession and title documents to Shri Gautam Mishra, Shri Gautam Mishra shall hand over the original title documents, i.e., three sale-deed of the property bearing No. L-1/7, Hauz Khas Enclave, New Delhi, registered in the names of respective plaintiffs in CS No. 208737/2016.
- vi) The plaintiff, will take out newspaper publication in respect of Bijwasan land in two English dailies, i.e., Times of India and Hindustan Times regarding the suit property being free from any encumbrances.
- vii) Upon the statement of the parties recorded and the settlement being arrived at in the present suit, certified copy of the terms of settlement along with the order dated 8th December, 2017, recording settlement and statement of the parties, the same shall be filed in pending CS No. 208737/2016 in the Court of Ms. Priya

Mahendra, Room No. 602, Saket District Court Complex, New Delhi and the said CS No. 208737/2016, shall be disposed of and decreed accordingly.

- viii) The parties, who appear in person, as well as authorized representatives of the plaintiffs and defendants, undertake to remain bound by the terms of the settlement and they further undertake that they shall be left with no future Claim against each other.
- ix) It is agreed that except Mr. V.K. Misra, there is no Class-I legal heir of Late Shri Ganesh Misra, who was defendant no. 1 in CS No. 208737/2016.
- x) The parties present today are making the statement out of their own free will without any pressure, duress and coercion.
- xi) Upon the recording and execution of this settlement the defendants acknowledge plaintiff to be the absolute owner of the suit property in Suit No. CS (COMM) 203/2017 comprising 15 acres of land situated in Village Bamnauli, NCT of Delhi which are reproduced hereinbelow:-

S. No.	Old Khasra Nos.	New Khasra Nos.	Area (Bighas-Biswas)
1.	350	28/1	4-16
2.	351	28/10	4-16
3.	352	28/09	4-16
4.	353	28/02	4-16
5.	331	29/25	2-19
6.	347	29/15	4-16

7.	346 min.	29/16 min	2-00
8.	346 min.	26/16 min	2-16
9.	348	29/06	4-16
10.	322	29/7	4-16
11.	323	29/14	4-16
12.	330 min	29/17 min	0-07
13.	330 min	29/17 min	5-17
14.	321 min	29/8 min	1-00
15.	324 min	29/13 min	1-00
16.	329 min	29/18 min	1-00
17.	354	28/3	4-16
18.	355 & 356	28/8	4-16
19.	358	28/7	4-13
20.	359/1	28/4 min	3-06

Similarly plaintiff, Mr. V.K. Mishra, Mr. Chaitanya Misra and Mr. Gautam Misra acknowledge plaintiffs in CS No. 208737/2016 as the absolute owner of the suit property, i.e., House No. L-1/7, Hauz Khas Enclave, New Delhi admeasuring about 669 sq. yards with built up structure, which is subject matter of CS No. 208737/2016.

5. Learned counsel for the parties on instructions of the parties who are personally present in Court assure and undertake to this Court that they shall comply with the aforesaid terms and conditions.

6. The statements, assurances and undertakings are accepted by this Court and parties are held bound the same.
7. The fee of the Local Commissioner is fixed at Rs. 2,00,000/-. The fee shall be paid in equal proportion by the plaintiff and the defendants.
8. Accordingly, the present suit is decreed in terms of the joint statement recorded on 6th December, 2017 as well as consent terms recorded today by this Court. Registry is directed to prepare a decree sheet.
9. As a token of acceptance of this order, parties are directed to sign the order sheet.
10. With the aforesaid directions, present suit and pending applications are disposed of.

MANMOHAN, J

DECEMBER 08, 2017

rn