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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 401/2016 & IA.No.9780/2016(u/O 39 R-1&2 CPC)**

HARISH KUMAR Plaintiff

Through: Mr. Ravi Varma, Adv.

Versus

ARVIND SINGH & ANR Defendants

Through: Mr. Manu Nayar and Ms. Meenakshi
Bhatia, Advs for D-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.05.2017**

1. The suit is listed for framing of issues and for hearing of the application for interim relief.
2. The counsel for the plaintiff states that the defendant No.1 in the written statement filed on behalf of both the defendants, in para 11 has stated that he has no intent to get the four plots admeasuring 8.16 acres transferred in the name of any 3rd party by virtue of the resolution dated 8th October, 2013 of the board of directors of defendant no.2 authorising defendant No.1. He thus states that the suit can be disposed of binding the defendant No.1 to what is pleaded in para 11 of the written statement.
3. The counsel for both the defendants draws attention to the earlier order in the suit, particularly the order dated 24th August, 2016 wherein the counsel for the plaintiff has confined the relief in the suit in respect of the resolution/authorisation dated 8th October, 2013 and states that the suit itself is not maintainable.

4. Need to reiterate the facts is not felt as the same are recorded in detailed orders w.e.f. 12th August, 2016.
5. It is not in dispute that the plaintiff and the defendant No.1 are the only directors and equal shareholders of defendant No.2 K8 Developers Private Limited. It is further not in dispute that the defendant No.2 K8 Developers Private Limited has acquired plots No. C3-F and C3-G Sector 129, Jaypee Wish Town, Noida, though the conveyance deed / transfer deed thereof has not been registered in favour of the defendant No.2 till now.
6. The defendant No.2 K8 Developers Private Limited had also acquired plots No. C3-H1 and C3-H2 but allotment whereof by the erstwhile defendant No.3 Jaiprakash Associates Limited in favour of the defendant No.2 K8 Developers Private Limited has been cancelled, as recorded in the order dated 8th March, 2017.
7. The counsel for the plaintiff as well as the counsel for the defendants thus state that neither the plaintiff nor the defendant No.1 will deal with the plots No. C3-F and C3-G aforesaid without a resolution of the Board of Directors of the defendant No.2 K8 Developers Private Limited in a meeting attended by both the plaintiff and the defendant No.1.
8. Binding the plaintiff, defendant No.1 as well as defendant No.2 Company to the aforesaid, a decree is passed in the suit in terms of today's order, leaving the parties to bear their own costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

MAY 11, 2017
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