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

+ FAO(OS) 300/2017 and CM No.43209/2017

% Date of decision : 6th December, 2017

GURPREET SINGH AHLUWALIA Appellant

**Through : Mr. Sanjeev Anand and
Mr. Akshay Kapoor, Advs.**

versus

AMAN KHORANA Respondent

Through : Mr. S.C. Singhal, Adv.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. It is submitted by the learned counsel for the appellant that this appeal had to be filed for the reason that by the interim ex-parte order dated 1st November, 2017, the learned Single Judge had directed the appellant to maintain status quo with regard to title and possession of the entire property bearing no. F-3, Kailash Colony, New Delhi-110048.

2. It is submitted by the appellant that the suit filed by the respondent is for recovery of only Rs.2.15 crores out of which the respondent has allegedly paid Rs.1.70 crores to the appellant.

3. The appellant submits that he is the co-owner of the property alongwith his brother and that the two brothers had jointly entered into a collaboration with a builder to reconstruct the property and had also handed over possession of two floors to the builder before the order of status quo was passed by the learned Single Judge. It is submitted that the present market value of the property is over Rs.20 crores and the value of one reconstructed flat would be well over Rs.7 crores.

4. It is submitted that, in this background, the appellant had filed IA No.13704/2017 under Order 39 Rule 4 of the CPC praying for vacation of the interim order which has been directed to be listed on 16th January, 2018. In view of the irreparable loss and damage enuring to the appellant, the present appeal has been filed assailing the orders dated 1st November, 2017 and 21st November, 2017.

5. It is submitted by Mr. Sanjeev Anand, learned counsel for the appellant that without prejudice to the rights and contentions of the appellant, he would be willing to offer security/surety instead of the blanket injunction order which has been passed.

6. Mr. S.C. Singhal, Id. counsel for the respondent submits that such prayer has to be placed before the learned Single Judge for consideration, who, if satisfied, he would the relief accordingly. Mr. Singhal, Id. counsel would dispute the prayer on behalf of the appellant submitting that the flats are yet to be constructed. We are in agreement with this submission.

7. In view thereof, this appeal and application are disposed of, with the consent of both sides It is directed that IA No. 13704/2017

and CS(OS) 377/2016 be posted for appropriate directions before the learned Single Judge on 14th December, 2017.

Dasti to parties.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 06, 2017/kr

