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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 98/2012, CrI.M.A. No.2776/2012 (u/S 340 Cr.PC), OA No.121/2017 (against order dated 28th July, 2017 of the Joint Registrar), IA No.10440/2017 (u/O XVIII Rule 17 CPC) and IA No.10441/2017 (for condonation of 22 days delay in filing OA)

SUBHASH CHANDER Plaintiff

Through: Dr. Anurag Kr. Agarwal & Mr. Umesh Mishra, Advs. with plaintiff in person.

Versus

B.K. TALWAR & ANR. Defendants

Through: Defendant no.1 in person.
Mr. Darpan Wadhwa, Sr. Adv. with Mr. Aditya Vijay Kumar, Mr. Arnab Kumar & Ms. Aditi Mohan, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **01.02.2018**

1. This order is in continuation of yesterday's order.
2. The plaintiff Subhash Chander and the defendant no.1 B.K. Talwar are present in person.
3. It has been agreed that upon the defendant no.1 paying a sum of Rs.15 lacs to the plaintiff, inclusive of the amount of Rs.5 lacs admittedly received by him from the plaintiff, the plaintiff shall be left with no rights whatsoever under the Agreement for specific performance of which this suit was filed or in the property No.I-208, Phase-I, Ashok Vihar, New Delhi or against either of the two defendants.
4. It has further been agreed that the said sum of Rs.15 lacs shall be paid by the defendant no.1 to the plaintiff on or before 31st March, 2018 and if it

is not so paid, the said amount shall incur interest at the rate of 12% per annum with effect from today till the date of payment / realisation.

5. Accordingly, a consent decree is passed in favour of the plaintiff and against the defendant no.1, of recovery of Rs.15 lacs and if the said amount is not paid on or before 31st March, 2018, also for recovery of interest thereon at the rate of 12% per annum from today till the date of payment / realisation. It is further directed that the defendant no.1 shall not alienate, encumber or part with possession of his share of the property aforesaid, till the satisfaction of the decree.

6. It is further clarified that on satisfaction of the decree, the plaintiff will be left with no rights under the Agreement of which specific performance was sought in this suit or with respect to the property and / or against the defendants.

No costs.

Decree sheet be drawn up.

All pending applications are also disposed of.

RAJIV SAHAI ENDLAW, J

FEBRUARY 01, 2018

‘gsr’..