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

+ RFA 598/2018 & CM 29981/2018 (stay)

SURINDER PAL THAPAR J

..... Appellant

Through: Mr. R.D.Chauhan and Mr. Arun K.
Chauhan, Advocates.

versus

RAJESH KUMAR & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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01.08.2018

1. After arguments, this appeal is disposed of as not pressed but liberty as prayed for is granted to the appellant to sue the defendant no.1 in the suit namely Sh. Rajesh Kumar son of Sh. Nanak Singh the builder with whom the owners/defendant nos. 2 to 4 in the suit entered into a Collaboration Agreement dated 15.6.1999, and consequently, by registered documents the appellant/plaintiff had sought to purchase the second floor of the suit property, and the appellant/plaintiff has paid substantial consideration to Sh. Rajesh Kumar in terms of the documentation dated 30.7.1999 executed by Sh. Rajesh Kumar in favour of the appellant.

2. Accordingly, this appeal is disposed of as not pressed but liberty as

prayed for is granted to the appellant to file a suit for recovery of monies against the defendant no.1 in the present suit namely Sh. Rajesh Kumar Son of Sh. Nanak Singh, and if such a suit is filed in accordance with law, the appellant/plaintiff herein in the said suit to be filed will be entitled to seek the benefit of Section 14 of the Limitation Act, and such an application if filed by the appellant/plaintiff in the fresh suit, the same will be liberally considered by the concerned Court.

3. The appeal is disposed of as not pressed but with the aforesaid liberty.

4. Since the appeal is withdrawn before arguments, appellant is held entitled to refund of the 50% of the court fees in terms of Section 16-A of the Court Fees Act as applicable to Delhi. Registry is directed to issue necessary certificate in favour of the appellant.

VALMIKI J. MEHTA, J

AUGUST 01, 2018

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