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

+ **CS(OS) 3625/2014 & I.As. 1938/2016, 6488/2018, 7033/2018**

ARJUN SINGH GUPTA & ANOTHER Plaintiffs

Through: Ms. Chandrani Prasad, Advocate for
Plaintiff No.2 (M-9810530770) along
with Plaintiff No.2 in person.

versus

AJAY KUMAR GUPTA AND ANOTHER Defendants

Through: Mr. Jai Sahai Endlaw & Mr. Shivaksh
Som, Advocates for D-1 & 2 (M-
981112114).

AND

+ **TEST.CAS. 19/2018**

SMT ROOPA GUPTA Petitioner

Through: Ms. Chandrani Prasad, Advocate for
(M-9810530770) along with Plaintiff
in person.

versus

THE STATE AND OTHERS Respondents

Through: Mr. Jai Sahai Endlaw & Mr. Shivaksh
Som, Advocates

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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12.09.2018

1. The counsels for the parties have taken instructions and the parties themselves are present in Court. Defendant No.1 – Mr. Ajay Kumar Gupta submits that he has a fresh General Power of Attorney in his favour executed

by his brother – Mr. Alok Kumar Gupta. He is, therefore, fully empowered to execute the transaction of sale in favour of the proposed buyer.

2. The parties to the present litigation had broadly settled their disputes as recorded in order dated 6th July, 2018. Pursuant to the settlement terms which were recorded on 6th July, 2018, Plaintiffs have now brought a buyer who is willing to pay a sum of Rs.11.5 crores immediately for purchase of First Floor, Property No. 19, Poorvi Marg, Vasant Vihar, New Delhi-110057. The proposed buyer is present in Court. Parties have agreed that the property can be sold to the proposed buyers who are present. Three cheques have been brought in the name of Mrs. Roopa Gupta, Mr. Alok Gupta and Mr. Ajay Gupta for Rs.2.5 crores, Rs.1.25 crores and Rs.1.25 crores respectively. The cheques are kept in the safe custody of the Registrar General of this Court.

3. Further to the settlement terms which were agreed to on 6th July 2018, parties have entered into a settlement agreement which is placed on record today. Mrs. Roopa Gupta and Mr. Ajay Kumar Gupta are present in Court. In order to give effect to the settlement agreement in respect of sale of House No.19, First Floor, Poorvi Marg, Vasant Vihar, parties further agree that the draft sale deed in favour of the proposed purchaser shall be exchanged between them. The agreed draft of the sale deed shall be produced in Court on 14th September, 2018. Copy of the GPA dated 13th August 2018 be produced in Court on 14th September 2018.

4. The parties agree that the sale deed would be executed in favour of the proposed purchaser on Monday i.e. 17th September, 2018 and registered on the same date. The entire payment of Rs.11.5 crores (*after deducting taxes, as applicable*) shall be made by the proposed purchaser in favour of

the Plaintiff – Mrs. Roopa Gupta and the two brothers in the following manner:

- i) Rs.5.75 crores in favour of Mrs. Roopa Gupta;
- ii) Rs.2,87,50,000/- each in favour of Mr. Ajay Kumar Gupta and Mr. Alok Kumar Gupta;
- iii) the entire stamp duty and registration charges shall be borne by the proposed purchaser;

5. At the time of signing of the sale deed, the demand drafts in favour of Mrs. Roopa Gupta shall be handed over to her and the demand drafts in favour of Mr. Ajay Kumar Gupta and Mr. Alok Kumar Gupta shall be handed over to Mr. Ajay Kumar Gupta.

6. Upon receipt of the demand draft of Rs.5.75 crores, the keys of the property bearing no. D-1/37, Second Floor, Vasant Vihar shall be handed over by Mrs. Roopa Gupta to Mr. Ajay Kumar Gupta. Upon the keys being handed over, the sale deed would be registered before the Sub-Registrar's office on 17th September, 2018. Parties shall be accompanied with their respective counsels who shall ensure that no impediments are created in giving effect to the settlement.

7. Matter be listed before Court on 18th September, 2018 at 10:30 AM for release of all the original title deeds and other original documents lying in this Court as also the cheques deposited by the proposed purchaser. The proposed purchaser is agreeable to the above terms.

8. The sale consideration shall be paid to all the three parties after deducting any taxes applicable as per law. The PAN numbers of all the three sellers shall be given to the proposed purchaser on 14th September, 2018. Parties shall be bound by the terms of the settlement recorded on 6th July

2018, terms contained in the settlement agreement dated 12th September 2018 and the terms contained hereinabove. All the parties and the proposed purchaser have appended their signatures below, consenting to the terms recorded hereinabove.

9. Both the suit and the testamentary case are decreed/disposed of in terms of the settlements. Decree sheet be drawn. All pending IAs are also disposed of.

10. A copy of this order be given *dasti* under signature of the Court Master.

PRATHIBA M. SINGH, J.

SEPTEMBER 12, 2018

Rahul