

\$~7

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

+ **FAO(OS) 42/2020**

YOGENDRA SEN MANCHANDA

..... Appellant

Through: Mr.Jitender Kumar Sethi, Mr.
Tanmay Mehta and Mr. Himanshu Sethi,
Advocates.

versus

**SMT. PUSHPA TALWAR, DECEASED THROUGH LEGAL
REPRESENTATIVES AND OTHERS**

..... Respondents

Through: Ms. Vrinda Kapoor, Advocate
for R-1 (b) and (c).

Mr. Sanjay Chhabra and Ms. Vijaylaxmi
Mewara, Advocates for respondents No.2(a)
and 2(b).

Ms. Shweta Bari, Ms. J.M. Bari and Mr.
Ankush Bari, Advocates for respondents
No.3(a), 4(a), 4(b), 4(c), 5(a), 5(b), 6(a),
6(b), and respondents No.7(a) to 7(c)(i) to
7(c) (iii).

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

31.08.2020

HEARD THROUGH VIDEO CONFERENCING

**FAO(OS) 42/2020 & CM 18951/2020 (Interim Relief) & CM
18955/2020 (Delay in filing 47 Days)**

- 1 This order is in continuation of the order dated 26.08.2020.
2. Mr. Sethi, learned counsel for the appellant states that his client has complied with the earlier order and filed a Compliance statement under Index dated 28.08.2020, stating *inter alia* that the appellant has deposited 15

pay orders in original in the Registry on 26.08.2020 itself and 19 pay orders in original on the next day i.e. on 27.08.2020, which includes the interest component payable to the respondents on the principal amounts.

3. Ms. Kapoor, learned counsel for the respondents No.1 (b) and (c) and Mr.Chhabra, learned counsel for the respondents No.2(a) & (b) state that they have withdrawn two pay orders each towards the principal amount on behalf of their respective clients. Ms. Shweta Bari, learned counsel for the remaining respondents states that except for one respondent, she has withdrawn the pay orders of the principal amount in respect of all the respondents and she intends to file a Power of Attorney on behalf of the leftover respondent very soon to withdraw the remaining pay orders for the principal amount.

4. This leaves the pay orders of the interest amount, which are still lying in the Registry. It is directed that the said pay orders shall be released in favour of the respondents after necessary steps are taken to execute the sale deed in respect of the subject property.

5. Mr. Sethi, learned counsel for the appellant states that in para 14 of the judgment and decree dated 26.02.2020, it was recorded that Ms. Nandini Balraj has been authorized by all the respondents mentioned in the said order and she has the authority to sign necessary documents for mutation of the property in the records of the NDMC and for execution of the sale deed in respect of the subject premises on or before 21.04.2020. Learned counsel states that now that the principal amount has passed over to the respondents through court, the timeline for applying for mutation to the NDMC and for executing the sale deed of the subject premises may be extended up to 17.09.2020 as the period between 01.09.2020 to 17.09.2020 is inauspicious

since *Shradhs* commence on 01.09.2020 and conclude on 17.09.2020. He states that in this duration, all the parties be directed to furnish the relevant supporting documents required to be filed alongwith the mutation application and submitted to the NDMC, list whereof shall be furnished to learned counsel for the respondents today itself.

6. Learned counsel for the respondents shall collate the relevant documents and hand them over to Ms. Kapoor, who shall in turn collectively hand them over to Mr. Sethi, for his client to take steps to approach the NDMC for the purposes of mutation of the property. The application for mutation shall also be handed over by Mr. Sethi to Ms. Kapoor for the signatures of her client. Learned counsel for the parties agree that in the meantime, Mr.Sethi shall prepare a draft sale deed and hand it over to the counsel for the respondents for their perusal and suggestions so that the entire exercise can be completed by 17.09.2020.

7. Ms. Kapoor, learned counsel for the respondents No.1(b) and (c) states that the original Sale Deed and the original Share Certificate of the subject property were deposited by her in the Registry in February, 2020 and she shall soon apply for certified copies of the said documents. As soon as the certified copies are made available, the Registry may be directed to release the original documents in her favour.

8. Ms. Kapoor, learned counsel for the respondents No.1(a) and (c) shall apply for obtaining certified copies of the original Sale Deed and the Share Certificate of the subject premises within two days. The Registry shall expedite preparation of the certified copies of the said documents and hand them over to learned counsel for the respondents No.1(a) and (c) at the earliest. On filing certified copies of the said documents on the record of the

suit proceedings, originals thereof shall be returned by the Registry to learned counsel against her signatures. The original sale deed and the share certificate shall be handed over by learned counsel for the respondent No.1 (b) and (c) to the learned counsel for the appellant within three working days from the date of receipt thereof from the Registry.

9. With the consent of the parties, the present appeal is disposed of alongwith the pending applications in terms of the settlement arrived at between the parties. The date mentioned in para 14 of the judgment and decree dated 26.02.2020 i.e. "21.04.2020" is changed to "01.10.2020". The matter is kept pending only for reporting compliance on applying for mutation and execution of the Sale Deed of the subject premises so that the pay orders towards interest lying in the Registry can be released in favour of the respondents.

10. List in the category of 'Directions' on 28.09.2020, for reporting compliance.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

AUGUST 31, 2020
A/rkb