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

+ **FAO(OS) 90/2019 & C.M.Nos.24702/2021, 37084/2021,
10119/2023**

M/S CAPITAL LAND BUILDER PVT LTD Appellant

Through: Mr.T.K.Ganju, Sr.Advocate with
Mr.Aquib Ali and Mr.Shahnawaj,
Advocates.

versus

M/S SHAHEED MEMORIAL SOCIETY (REG) & ORS

..... Respondents

Through: Mr.Ashish Mohan with Mr.Arjun
Choudhary, Mr.Samarth Chowdhary
and Mr.Digvijay Singh, Advocates
for R-1, 2 & 4.
Mr.Ruchir Mishra with Mr.Sanjiv
Kumar Saxena, Mr.Mukesh Kumar
Tiwari, Ms.Poonam Shukla and
Ms.Reba Jena Mishra, Advocates for
UOI.
Mr.Divyam Nandrajog with Mr.Jatin
Dua, Advocates for R-11.

+ **CONT.CAS(C) 82/2024 & C.M.No.3156/2024**

MS SHAHEED MEMORIAL SOCIETY REG & ANR.

..... Petitioners

Through: Mr.Ashish Mohan with Mr.Arjun
Choudhary, Mr.Samarth Chowdhary
and Mr.Digvijay Singh, Advocates.

versus

CAPITAL LAND BUILDERS PVT LTD & ORS. Respondents

Through: Mr.T.K.Ganju, Sr.Advocate with



Mr.Aquib Ali and Mr.Shahnawaj,
Advocates.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

22.01.2024

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1. Learned counsel for the parties are in agreement that the appellant – M/s Capital Land Builders Pvt. Ltd. can sell the land or property on the following terms:-

- (i) Capital Land Builders Pvt. Ltd. will furnish its entire record of land, banks possessed/owned by it (at the moment) in a sealed cover within two weeks.
- (ii) No sale of land will be made below the circle rate and entire consideration towards sale of land will be received through ordinary banking channels in accordance with law i.e. Cheque or RTGS. Capital Land Builders Pvt. Ltd. will furnish details of the sale transaction before this Court. In the event it is discovered that cash transaction towards sale of land has taken place, the defendants i.e. Chowdhary Brahm Prakash fraction shall have the liberty to seek modification of the interim injunction order.
- (iii) In the event the dispute in the suit is decided in favour of the defendants (Chowdhary Brahm Prakash fraction), the plaintiffs (Sachdeva & Kishore Lal fraction) will render their accounts.
- (iv) If a settlement is reached before disposal of the suit, parties shall be free to approach for modification of the interim injunction order.



2. In accordance with the aforesaid consensual agreement, the present appeal and contempt petition are disposed of along with the pending applications. The learned Single Judge is requested to decide the suit as well as the contempt applications filed by the parties as expeditiously as possible.

3. It is clarified that the aforesaid consensual agreement has been arrived at without prejudice to the rights and contentions of the parties in the proceedings that are pending. This Court clarifies that it has not commented on the merit of the controversy.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 22, 2024
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