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

+ **CS(OS) 695/2023 & I.A. 6249/2025**

RAJNI JAIN & ORS.

.....Plaintiffs

Through: Mr. Sanjay Manchanda and Mr.
Rahul Miglani, Advocates along with
P-4 and P-5
Mr. Surinder Tomar on behalf of M/s
Countrywide Homes & Farms Pvt.
Ltd.

versus

MR. ANURODH JAIN

.....Defendant

Through: Mr. Vidit Chauhan, Advocate

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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07.04.2025

I.A. 6249/2025(by defendant for modification of Judgement dated
02.12.2024)

1. Mr. Sanjay Manchanda, learned counsel for plaintiffs is present in Court along with plaintiff nos. 4 and 5. He states that the plaintiff nos. 1 and 2 who reside on 1st floor - right side portion of the suit property have entered into an agreement dated 23.03.2024 with M/s Countrywide Homes & Farms Pvt. Ltd. before the institution of the present suit.

2. He states that the plaintiff nos. 3 and 4 who reside on the 1st floor - left side portion of the suit property and plaintiff no. 5, who reside on the 2nd floor – right side portion of the suit property as well have entered into an oral agreement with M/s Countrywide Homes & Farms Pvt. Ltd. prior to the



institution of the present suit. He states that no formal agreement has been executed by plaintiff nos. 3, 4 and 5 with M/s Countrywide Homes & Farms Pvt. Ltd. however some advance consideration has been received by plaintiff nos. 3, 4 and 5.

3. Mr. Surinder Tomar, authorized representative of M/s Countrywide Homes & Farms Pvt. Ltd who is present in Court states that M/s Countrywide Homes & Farms Pvt. Ltd is willing to buy 3/4th undivided shares of the terrace along with the 1st floor portions and 2nd floor portion of the suit property which falls to the share of plaintiff nos. 1 to 5.

4. Mr. Manchanda states that in view of this stand of Mr. Tomar plaintiff nos. 1 to 3 and plaintiff nos. 4 and 5 are unable to accede to the request of the defendant that he should be permitted to purchase 1/4th share as opposed to entire 3/4th share of the plaintiffs which is offered together for the terrace rights in the suit property.

5. Learned counsel for the defendant states that defendant has the monetary capacity to purchase 1/4th undivided share of any of the plaintiffs who are willing to sell the same to the plaintiff. He states that plaintiff will deposit the sale consideration within 45 days as directed vide order dated 02.12.2024. Defendant is personally present in Court.

6. This Court has heard the submission of the parties.

7. The final judgement dated 02.12.2024 which is a decree of this Court overrides the alleged agreement dated 23.03.2024 executed between the plaintiff nos. 1 and 2 and M/s Countrywide Homes & Farms Pvt. Ltd.; and so also the judgment dated 02.12.2024 would override any alleged oral agreement between plaintiff nos. 3, 4, 5 and M/s Countrywide Homes & Farms Pvt. Ltd. The parties cannot contract contrary to the final judgement



dated 02.12.2024. Pertinently, there was no disclosure by the plaintiffs of any alleged agreements with M/s Countrywide Homes & Farms Pvt. Ltd. during the hearing dated 02.12.2024.

8. This Court also finds merit in the submissions of the learned counsel for the defendant that since the suit was pending; any agreement executed between M/s Countrywide Homes & Farms Pvt. Ltd. with plaintiff nos. 1 to 5 would be subject to the final judgement dated 02.12.2024.

9. Any suit filed by M/s Countrywide Homes & Farms Pvt. Ltd. seeking to enforce undivided 3/4th terrace rights in suit property therefore would not be maintainable.

10. The defendant is bound down to its stand and in case any of the plaintiff is willing to sell its 1/4th share of the terrace rights to the defendant herein, defendant would be entitled to purchase the said share as decided vide order dated 02.12.2024.

11. This Court finds no merit in the submissions of the plaintiff nos. 1 to 5 that defendant must either buy entire 3/4th undivided share or nothing; this is not the spirit of order dated 02.12.2024. The defendant is well within its right to accept or reject the offer of 1/4th share owned by plaintiff nos. 1, 2, plaintiff no. 3 and plaintiff nos. 4 and 5 respectively.

12. At this stage, Mr. Manchanda requests that the matter be taken up after one (1) week for the parties to reconsider their stand.

13. At request of the plaintiffs list on 17.04.2025.

MANMEET PRITAM SINGH ARORA, J

APRIL 7, 2025/hp/AKT

Click here to check corrigendum, if any