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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1012/2024, I.A. 48696/2024, I.A. 48697/2024, I.A. 48698/2024, I.A. 13102/2025, I.A. 13707/2025**
ANIL MALHOTRA HUF THROUGH ITS KARTA ANIL MALHOTRAPlaintiff

Through: Mr. Braj Bhushan Lal Karn, Adv.

versus

M S M M RAMESH AND COMPANY THROUGH ITS MANAGING PARTNER SHRI TARUN ARORA AND ORSDefendants

Through: Mr. Prateek Avasthi, Adv. for D-1 to 3.
Ms. Rachita Garg, Adv. for GNCTD.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
12.12.2025

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1. The present Suit has been filed with the following prayers:

“a) pass a decree of declaration thereby cancel the sale deed dated 07.10.2024 vide document No.2024/22/I/13214 in Book No.I Volume No. 29054 page No. 37 to 54 dated 08.10.2024 and declaring the same is null and void;

b) pass a decree to direct the defendant no.1 to 3 to refund of sale consideration amount of Rs.1,55,00,000/- with interest @ 18% per annum from the date of sale deed dated 07.10.2024;

c) direct the defendant no.4 to refund of Rs.17,76,000/- ;



d) direct the defendant no.5 to maintain its own record for cancellation of the sale deed dated 07.10.2024;

e) pass any such other order (s)/ direction (s), as may be necessary to protect the rights of the plaintiff and against the defendants.”

2. Since, the present Suit has been instituted against Defendant Nos.1 to 3 in respect of an act done in official capacity, a notice under Section 80 of CPC was, therefore, mandatory.

3. Though an application has now been filed under Section 80(2) of CPC, in view of the fact that there is no urgency in the matter, this Court is inclined to return the plaint to the Plaintiff with liberty to file a fresh plaint after complying with the requirement of Section 80(2) of CPC.

4. In view of the above, the present Suit is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 12, 2025

S. Zakir