
(2017) 12 DEL CK 0238

In the Delhi High Court

Case No : Civil Suit (COMM) No. 203 Of 2017, Miscellaneous Application No. 667 Of 20012, 11213, 11221 Of 2015

M/S GCG Transglobal Housing Project Pvt Ltd

APPELLANT

Vs

Surakshit Exports Private Ltd & Ors

RESPONDENT

Date of Decision : 08-12-2017

Acts Referred:

Citation : (2017) 12 DEL CK 0238

Hon'ble Judges : Manmohan, J

Bench : Single Bench

Advocate : Raman Kapoor, Manish Kumar, Piyush Kaushik, Gautam Misra, Chaitanya Misra, Dinesh Rastogi, Harshita Agarwal

Final Decision : Disposed Of

Judgement

'''

Manmohan, J",,,

1. On 6th December, 2017, the Joint Registrar had passed the following order:-",,,

â??It is submitted by learned counsel for both the parties that this matter has been settled & they requests for recording of their statement.,,,

Learned counsel for the parties submits that after recording of their statements this matter may be fixed before Honâ??ble Court for,,,

recording of settlement but not before the Honâ??ble Court of Justice Rajiv Sahai Endlaw as his Lordship had represented one of the,,,

party in this matter earlier.,,,

Statement of Learned counsel for both the parties recorded today.Let matter be fixed before Honâ??ble Court for further directions on,,,

08.12.2017.,,,

On request, copy of the statement and order be given dasti to learned counsel for both the parties under the signature of Court Master.â??",,,

2. The joint statement recorded by the Joint Registrar on the said date is also reproduced hereinbelow:-,,,

â??Joint Statement of Mr. Manish Kumar (Advocate for plaintiff) and Mr. Dinesh Rastogi (Advocate for defendant) At Bar.,,,

On instructions from parties, we make following statements as under:",,,

A. Land admeasuring 15 acres in Bijwasan, the possession of which are with defendants and title documents (in original) with the Court will",,,

go to the plaintiff.,,,

B. Money lying deposited in terms of orders dated 11.01.2012 and 18.01.2012 to go to Mr. S.D. Sharma, defendant no. 6, for and on",,,

behalf of all the defendants in the present suit.,,,

C. Plaintiff will carry out publication in two local dailies in respect of the land in question calling for objections, if any.",,,

D. Property bearing no. L-1/7, Hauz Khas Enclave, New Delhi which is the subject matter of CS No. 208737/2016 (earlier 611/2000) the",,,

possession of which are with the plaintiff, this propertyâ??s original title documents are with the defendants in the said suit, the original",,,

title documents will be delivered by defendants to Mr. S.D. Sharma, AR of the plaintiff.",,,

E. Handing over of the possession of 15 acres land, Bijwasan, New Delhi and the delivery of title documents will simultaneously happen in",,,

the presence of Local Commissioner duly appointed by the Honâ??ble Court.,,,

F. Suit No. 208737/2016 will be transferred to this Honâ??ble Court for recording of statement of parties.,,,

G. Parties will be left with no claims against each other in the present suit as well as in pending CS no. 208737/2016 Court no. 602, Saket",,,

District Courts, New Delhi.",,,

H. Parties will remain present for recording their respective statements in the Honâ??ble Court.â??",,,

3. Today, Plaintiffs Mr. Gautam Misra, Mr. Chaitanya Misra, Mr. Vinod Kumar Misra and the defendant Mr. Sridev Shrama are personally present.",,,

Learned counsel for the parties states that the aforesaid four individuals are authorised representatives of all the companies/legal entities before this,,, Court.,,,

4. The aforesaid parties confirm that the statement of the respective counsel as made before the Joint Registrar on 6th December, 2017 is binding",,,

upon the parties and the parties further agree upon the following terms as under:-,,,

i) Mr. Amit Sharma, Advocate be appointed as Local Commissioner for the purpose of execution of the settlement agreement as agreed and arrived",,,

between the parties.,,,

ii) The Registry be directed to make a pay order in favour of Mr. Sridev Sharma, defendant no. 6 in the present suit, against the entire money (Rs.",,,

1,69,95,000/- plus Rs. 4,48,05,000/- totalling to Rs. 6,18,00,000/-) along with accrued interest earned thereon as deposited by the plaintiff in terms of",,,

the order dated 11th January, 2012 in this Court, and hand over the original title documents in respect of the suit property, i.e., Land admeasuring 15",,,

acres, as mentioned in Schedule A of the plaint to the Local Commissioner.",,,

iii) The Local Commissioner, will collect the pay order from the Registry, as well as the original title documents in respect of the suit property, i.e., land",,,

admeasuring 15 acres, as mentioned in Schedule A of the plaint.",,,

iv) That upon receipt of the pay order and the original title documents delivered to the Local Commissioner, the Local Commissioner will visit the",,,

suit/Bijwassan property on 20th December, 2017 at 4.00 p.m. for the purpose of handing over the possession and delivery of the original title",,,

documents of the suit property to Mr. Gautam Misra, authorized representative of the plaintiff and the pay order as got prepared by the Registry of",,,

this Court will be handed over to Mr. Sridev Sharma or his nominee or his lawyer.,,,

v) That simultaneously with the handing over of the possession and title documents to Shri Gautam Mishra, Shri Gautam Mishra shall hand over the",,,

original title documents, i.e., three sale-deed of the property bearing No. L-1/7, Hauz Khas Enclave, New Delhi, registered in the names of respective",,,

plaintiffs in CS No. 208737/2016.,,,

vi) The plaintiff, will take out newspaper publication in respect of Bijwasan land in two English dailies, i.e., Times of India and Hindustan Times",,,

regarding the suit property being free from any encumbrances.,,,

vii) Upon the statement of the parties recorded and the settlement being arrived at in the present suit, certified copy of the terms of settlement along",,,

with the order dated 8th December, 2017, recording settlement and statement of the parties, the same shall be filed in pending CS No. 208737/2016 in",,,

the Court of Ms. Priya Mahendra, Room No. 602, Saket District Court Complex, New Delhi and the said CS No. 208737/2016, shall be disposed of",,,

S.

No.",Old Khasra Nos.,New Khasra Nos., "Area (Bighas-Biswas)

1.,350,28/1,4-16

2.,351,28/10,4-16

3.,352,28/09,4-16

4.,353,28/02,4-16

5.,331,29/25,2-19

6.,347,29/15,4-16

7.,346 min.,29/16 min,2-00

8.,346 min.,26/16 min,2-16

9.,348,29/06,4-16

10.,322,29/7,4-16

11.,323,29/14,4-16

12.,330 min,29/17 min,0-07

13.,330 min,29/17 min,5-17

14.,321 min,29/8 min,1-00

15.,324 min,29/13 min,1-00

16.,329 min,29/18 min,1-00

17.,354,28/3,4-16

18.,355 & 356,28/8,4-16

19.,358,28/7,4-13

20.,359/1,28/4 min,3-06