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

+ **CS(OS) 235/2023**

NITESH AGARWAL & ORS.

..... Plaintiffs

Through: **Mr. Robin Singh Sirohi, Adv.**
(through v/c)

versus

SHIPU DEVI & ANR.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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13.10.2023

IA No.6944/2023 (Stay)

1. No reply to the present application has been filed on behalf of the defendants. The right of the defendants to file reply to this application, was closed *vide* order dated 25.07.2023.
2. The present suit seeks cancellation of the sale deed executed by the plaintiff in favour of the defendant no.1 for a sale consideration of Rs.2.4 crores. The said sale deed was duly registered as document no. 3668, Addl. Book no. 1, volume no. 1594, on pages 51 to 61 dated 13.08.2021 in the office of the defendant no.2, in respect of 5/6 share of agricultural land measuring 2 Bighas 9 Biswas *i.e.*, 04253 Acre, bearing Mustatil no.33, Killa Nos. 7/2 Min (2-04) and 8/2 Min (0-05) situated in the revenue estate of Village Samalkha, Tehsil Vasant Vihar, New Delhi-110037.
3. It is the case of the plaintiffs that out of the total consideration of Rs.2.4 Crores, only a sum of Rs.99 Lakhs has been received by the



plaintiffs. The balance sale consideration of Rs.1.41 Crores has not been received inasmuch as the cheques which were given by the defendants in lieu of the sale consideration, details of which have also been set out in the aforesaid sale deed, have been dishonoured.

4. In the circumstances, the plaintiffs apprehend that the defendants may create third party rights in respect of the said property so as to defeat the rights of the plaintiffs as asserted in the suit.

5. Considering the averments made in the suit and the submissions of learned counsel for the plaintiffs, it is directed that till the next date of hearing, defendant no.1 shall be restrained from selling/parting with the possession or creating any third party rights in respect of the suit property.

6. List on 09.02.2024.

SACHIN DATTA, J

OCTOBER 13, 2023/cl