


**CS No. 13342/16
Savita Vs. Rohit**

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 05.11.2020 for purpose already fixed.


**(Vikas Dhull)
ADJ-01/West
THC/18.08.2020**


CS No. 754/19
Jagdish Chandra Satija Vs. Ram Mago

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

WS has been filed on 17.03.2020. However, none has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 10.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020


CS No. 171/19
Mangat Ram Vs. Jitender Tandon

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 05.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 516/17
Sangeeta Kaur Vs. Harbai Kaur

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 23.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

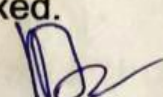
**CS No. 11649/16
Harender Shah Vs. Durgawati**

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 12.11.2020 for purpose already fixed.


**(Vikas Dhull)
ADJ-01/West
THC/18.08.2020**

CS No. 10311/16

Vichittar Singh Vs. Satbir Singh.

Through Cisco Webex Video Conferencing

18.08.2020

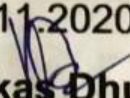
Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Mahesh Sharma, counsel for plaintiff.

Sh. Shivam Jangra, proxy counsel for defendant.

The matter is listed for arguments. However, proxy counsel for defendant has sought an adjournment on the ground that main counsel has gone to doctor as he is not feeling well. Same is granted.

Put up for arguments on 02.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

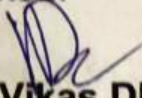
CS No. 12228/16
Geeta Chawla Vs. Satish Chawla

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 19.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 1405/17

**Rajni Dewan & Anr. Vs. Vinod Kumari & Anr.
Through Cisco Webex Video Conferencing**

18.08.2020

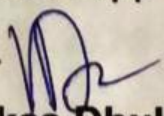
Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Pradeep, counsel for plaintiff.

**Sh. Dilpreet Singh, counsel for defendants
no. 2 and 2(b).**

Today, it is submitted by the plaintiff's counsel that as per the previous order, the matter is pending at the stage of service of proposed defendant with regard to application filed by the plaintiff U/o 1 Rule 10 CPC.

At request, issue fresh notice to the proposed defendant on the application U/o 1 Rule 10 CPC, subject to plaintiff furnishing e-mail/ whatsapp number of proposed defendant for 17.11.2020.


**(Vikas Dhull)
ADJ-01/West
THC/18.08.2020**

CS No. 30/20

Manish Kumar Vs. Lovejot Singh

Through Cisco Webex Video Conferencing

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None for plaintiff.

Sh. Dilpreet Singh, counsel for defendant.

It is submitted by defendant's counsel that he has filed on record his written statement and even counsel.

In the light of his submission, now put up for filing of replication, if any, by the plaintiff, admission denial of documents by way of affidavit and for framing of issues on 17.11.2020.


(Vikas Dhull)

ADJ-01/West

THC/18.08.2020

CS No. 304/19

Abhishek Popli Vs. Suman Popli & Ors.


Through Cisco Webex Video Conferencing

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Deepak Chauhan, counsel for plaintiff.

At request of plaintiff's counsel, matter is adjourned for settlement to 12.11.2020


(Vikas Dhull)

ADJ-01/West

THC/18.08.2020

**CS No. 410/12
Satpal Vs. Rajinder Singh**

**Through Cisco Webex Video Conferencing
18.08.2020**

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.


Present : Sh. Vikram Dua, counsel for plaintiff.

None for defendant.

Applicant absent.

The matter is pending at the stage of arguments on the pending application of applicant U/o 1 Rule 10 CPC. However, the applicant has not appeared to lead arguments.

In the interest of justice, the matter is adjourned for arguments on the application of the applicant U/o 1 Rule 10 CPC to 11.11.2020.


(Vikas Dhull)

ADJ-01/West

THC/18.08.2020

CS No. 8385/16

**Mohd. Akhtar Vs. M/s Sukhmani Associates
Through Cisco Webex Video Conferencing**

18.08.2020


File already received by way of transfer from the court of Sh. Anuj Aggarwal, Ld, ADJ-07, West, THC, Delhi by the orders of Ld. District & Sessions Judge, West, THC, Delhi. It be checked and registered.

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None for plaintiff.

Sh. Mukesh Kumar, counsel for defendant.

**Now put up this case for arguments on
26.11.2020.**


**(Vikas Dhull)
ADJ-01/West
THC/18.08.2020**

CS No. 37/20

Manoj Kumar Shokeen Vs. Samridhi Rana & Ors.

Through Cisco Webex Video Conferencing

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None for plaintiff.

Sh. D. Hasija, counsel for defendants no. 1 to 4.


Sh. Himanshu Vij, counsel for defendant no. 7.

Counsel for defendants no. 1 to 4 has submitted that he has not supplied with the copy of plaint and documents till date by the plaintiff.

Let plaintiff supply the same by the next date of hearing.

Further, counsel for defendant no. 7 has submitted that his application seeking deletion of defendant no. 7 is pending for arguments. However, in the absence of plaintiff, arguments cannot be heard.

Now, matter is adjourned for arguments on the application of defendant no. 7 U/o 1 Rule 10 CPC on 23.11.2020.


(Vikas Dhull)

ADJ-01/West

THC/18.08.2020


CS No. 9097/16
Kamlesh Rani Vs. Naresh Kumar

Through Cisco Webex Video Conferencing
18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None for plaintiff.

Ms. Shikha Tyagi, counsel for defendant.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 9413/16
Raj Rani Vs. Janak Raj


Through Cisco Webex Video Conferencing
18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Sumit Gaba, counsel for plaintiff.
Defendant absent.

Today, it is apprised by plaintiff's counsel that plaintiff has expired in the month of February and he has recently received the death certificate from the LRs of plaintiff. Accordingly, he has prayed for an adjournment for taking steps for impleadment of LRs of deceased plaintiff.

Put up for further proceedings on
03.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

M No. 173/20

**Municipal Corporation of Delhi Vs. B.K. Sahni
Through Cisco Webex Video Conferencing**


18.08.2020

Present : Sh. Ashutosh Gupta, counsel for petitioner.

An application has been received on the court email ID filed by the plaintiff U/o IX Rule 4 & 9 CPC. Same has been put up before the undersigned through email.

Issue notice of application to the respondent subject to petitioner providing the email/whatsapp number of respondent for 02.11.2020.

Hard copy of application be also filed on record within 15 days of re-opening of the court.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 9794/16
Manorama Vs. Kamlesh Rani

Through Cisco Webex Video Conferencing
18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Ms. Shikha Tyagi, counsel for plaintiff.

Defendant absent.

Counsel for plaintiff has submitted that pursuant to order passed by this court, defendant has not deposited the electricity dues and even the defendant has left the tenanted premises after locking the same.

At request of plaintiff, issue court notice to the defendant to appear in person subject to plaintiff providing the email/ whatsapp number of defendant for 03.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 104/19
Shyam Gopal Vs. Baij Nath

Through Cisco Webex Video Conferencing
18.08.2020

File already received by way of transfer from the court of Sh. Anuj Aggarwal, Ld, ADJ-07, West, THC, Delhi by the orders of Ld. District & Sessions Judge, West, THC, Delhi. It be checked and registered.

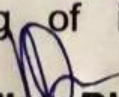
Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Rakesh Bhatnagar, counsel for plaintiff.
Defendant absent.

Plaintiff has filed replication on the court email ID, as apprised by the Reader. Same has been put up before the undersigned through email. Even the copy of the same has been sent to the other parties.

Now let the plaintiff file the hard copy of replication within 15 days of re-opening of the court.

Put up for admission denial of documents by way of affidavit and for framing of issues on 09.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 11774/16
Dev Raj Dogra Vs. Geeta Rani Dogra

Through Cisco Webex Video Conferencing
18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Ms. Mahima Malhotra, counsel for plaintiff.
Defendant absent.


The matter is listed for plaintiff's evidence.

However, counsel for plaintiff has submitted today that plaintiff does not wish to examine any other witness on his behalf.

In the light of her submission, PE stands closed.

Put up for DE by way of affidavit on 11.11.2020.

Let defendant supply the advance copy of affidavit of witnesses to the plaintiff's counsel at least one week prior to next date of hearing.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 13129/16
Jasbir Singh Vs. S.K. Exports.

Through Cisco Webex Video Conferencing
18.08.2020


Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Linoy Vergheese, counsel for plaintiff.

Sh. Aditya Sharma, counsel for defendant.

Today, counsel for plaintiff has sought some more time to file documents on record as per previous order. Same is granted.

Now put up for further proceedings on 02.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 9140/16
Kuljeet Singh Vs. S. Kuldeep Singh

Through Cisco Webex Video Conferencing
18.08.2020


Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Digvijay Rana, counsel for plaintiff.

Defendant absent.

It is submitted today by the counsel for plaintiff that reply of defendant no. 1 & 2 is yet to be filed with regard to pending application of the plaintiff seeking amendment of the plaint.

Now, put up for filing of reply by defendant no. 1 & 2 and for arguments on the application of the plaintiff seeking amendment of the plaint on 25.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

**Arbn. No. 05/15
60730/16**

Luv Trikha Vs. Videocon Indus.


**Through Cisco Webex Video Conferencing
18.08.2020**

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Ms. Karuna, counsel for petitioner.

Counsel for petitioner has apprised today that mediation has failed between the parties.

In the light of her submission, put up for arguments on 27.11.2020.


**(Vikas Dhull)
ADJ-01/West
THC/18.08.2020**

EX No.60472/16

Videocon Indus. Vs. Luv Trikha

Through Cisco Webex Video Conferencing

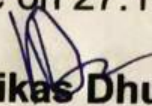
18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None for DH.

Ms. Karuna, counsel for JD.

Put up with connected case on 27.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 134/20

**Shri Hanuman Mandir Sabha Vs. Bharat Singh &
Ors.**

Through Cisco Webex Video Conferencing

18.08.2020

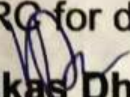
Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

**Present : Sh.Vinay Kumar Pandey, counsel for plaintiff.
None for defendant.**

As per report of Ahlmad, summons not received back. Be awaited.

In the meantime, issue fresh summon to defendant subject to plaintiff filing on record the e-mail/whatsapp number of the defendant for 18.11.2020.

In case the court work resumes normally then the plaintiff is directed to file PF/RG for date fixed.


**(Vikas Dhull)
ADJ-01/West
THC/18.08.2020**

CS No. 239/18

Stonex India Private Ltd. Vs. Amit Katiyal

Through Cisco Webex Video Conferencing

18.08.2020

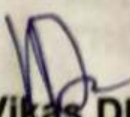
Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Shiv Charan Garg, counsel for plaintiff.

Sh. Jatin Sethi, counsel for defendant.

The matter is listed for arguments on the pending application of the defendant U/o VII Rule 10 & 11 CPC. However, today counsel for defendant has sought an adjournment on the ground of absence of AR of defendant. Same is granted as not opposed.

Put up for arguments on the pending application of defendant U/o VII Rule 10 & 11 CPC on 26.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 175/20

**M/s Rajaavi Estates (P) Ltd. Vs. Smt. Vinod Kumari
&
Ors.**

**Through Cisco Webex Video Conferencing
18.08.2020**


Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. Dilpreet Singh, counsel for plaintiff.

Defendant unserved.

Today, it is submitted by the plaintiff's counsel that matter is pending at the stage of service of summons upon the defendant.

At request, issue fresh summon to defendant subject to plaintiff filing on record the e-mail/whatsapp number of the defendant for 17.11.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 8378/16
Jitender Gupta (since deceased) Vs. Subhash
Chand Goel


18.08.2020

File already received by way of transfer from the court of Sh. Anuj Aggarwal, Ld, ADJ-07, West, THC, Delhi by the orders of Ld. District & Sessions Judge, West, THC, Delhi. It be checked and registered.

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 18.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 7604/16
Rahul Chandra Vs. Gangaram Aggarwal


18.08.2020

File already received by way of transfer from the court of Sh. Anuj Aggarwal, Ld, ADJ-07, West, THC, Delhi by the orders of Ld. District & Sessions Judge, West, THC, Delhi. It be checked and registered.

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 26.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020


CS No. 13286/16
Bijenderi Vs. Kishori Lal

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 09.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 8362/16
Durgawati Devi Vs Harender Shah

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 12.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

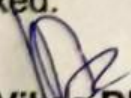
CS No. 7945/16
Bimla Dagar Vs. Geeta Devi

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 23.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

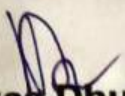
CS No. 676/19
Rohit Singh Vs. Amarjeet Singh

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

WS has been filed on 07.03.2020. However, none has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 09.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

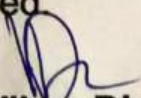
CS No. 47/18
Sarthak Aggarwal Vs. Hemant Khera

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 12.11.2020 for purpose already fixed


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

M Ex. 10/17
State of UP Vs. Mohd. Shahbuddin


Through Cisco Webex Video Conferencing
18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh. A.S. Rao in person and also appearing for non-applicant no. 1,2 3, 6 & 7.

Other party absent.

Put up for purpose already fixed on 23.10.2020.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020


CS No. 1073/17
Axis Bank Vs. Mukesh Gupta

18.08.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : None.

None has joined today through VC. The court has waited till 1.00 PM. In the facts, matter adjourned to 05.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

Ex No. 61644/16

Kanwar Singh Tanwar Vs. Davender Kumar & Ors.

Through Cisco Webex Video Conferencing

18.08.2020

Present : Sh. Achal Gupta, counsel for DH.

Sh. D. Hasija, counsel for JD nos. 3 & 4.

Counsel for JD nos. 3 & 4 has filed on record an application making a prayer therein that original FDR be sent to the OBC Bank, Kirti Nagar Branch, New Delhi for the encashment of FDR. On the application of counsel for JD nos. 3 & 4, file of suit number 12/2016 was summoned from record room to send the FDR in original to the OBC Bank.

Today, on enquiry from Nazir of this court, he has submitted that although file of suit number 12/2016 has been received from record room but there is no FDR in original on record.

At this stage, counsel for DH has submitted that original FDR was submitted by DH in miscellaneous file No. 58288/16 and since the said



miscellaneous file has not been summoned, therefore, original FDR could not be there in above mentioned suit no.12/2016. In the facts, **the said file be summoned from record room for next date of hearing.**

An application has also been received from DH on the court email ID. Same has been put up before the undersigned through email. Counsel for JD nos. 3 & 4 confirms regarding receipt of the same.

Hard copy of application be also filed on record within 15 days of re-opening of the court.

Arguments heard on the said application.

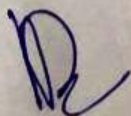
Vide the present application, DH has sought direction to the Manager, OBC Bank, Kirti Nagar Branch, New Delhi to withhold Rs. 70,000/- from the amount of Rs. 67,63,580/- which was to be released to JD nos. 3 & 4 as per order dated 06.08.2020 of this court. It is submitted by counsel for DH that DH being purchaser was duty bound to deposit Rs. 70,000/- (1% of sale amount of Rs. 70 Lacs) towards TDS and since the said amount has not been deposited, therefore, it is

prayed that the said TDS amount of Rs. 70,000/- be withheld from the amount to be released to JD nos. 3 & 4.


On the other hand, counsel for JD nos. 3 & 4 has submitted that no such direction can be issued to the Manager, OBC Bank, Kirti Nagar Branch, New Delhi for withholding the amount of Rs. 70,000/ from the amount of Rs. 67,63,580/- as JD nos. 3 & 4 are not the sellers of the suit property and they are not liable for deduction of any TDS amount. It is further submitted that the TDS amount has to be deducted against JD nos. 1 & 2 who are the sellers of the suit property to DH. It is further submitted that even the cost was wrongly deducted from the balance sale consideration paid by DH to JD nos. 3 & 4 as cost as awarded against JD nos. 1 & 2 as per the judgment of Ld. Predecessor of this court. Accordingly, it is prayed that application of DH be dismissed.

I have considered the submissions made by respective counsels.

This court is of the opinion that in the present



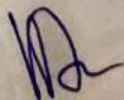
case, sale had taken place between the JD no. 2 and DH vide registered sale deed dated 22.07.2020. Therefore, as per the statutory tax requirement, the DH, who happens to be the purchaser, is duty bound to deduct 1% of sale amount towards TDS and deposit the same with the Income Tax Department by filling up the necessary challans. However, in the present case, sale amount has not been paid to JD no. 2, who was treated as seller on behalf of JD no. 1, but the same has been directed to be paid to JD nos. 3 & 4 as per decree of Ld. Predecessor of this court. The reason for paying the balance sale consideration to JD nos. 3 & 4 was the cancellation of sale made by JD No.1 in favour of JD nos. 3 & 4 after taking consideration of Rs. 72 Lacs. Therefore, the Ld. Predecessor of this court directed that instead of JD no. 1, let DH pay the balance sale consideration amount to JD nos. 3 & 4 on behalf of JD no. 1. Therefore, the compensation which has been paid to JD nos. 3 & 4 is in fact the sale consideration which DH was required to pay to JD nos. 1 & 2. Therefore, JD nos. 3 & 4 have to accept the



balance sale consideration subject to all the liabilities and statutory deductions which was applicable to the seller i.e. JD nos. 1 & 2.

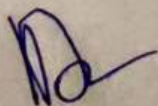
Further, the cost which was payable by JD nos. 1 & 2 has also been deducted from the balance sale consideration payable by DH to JDs no.3 and 4. Therefore, there is no reason why the TDS amount payable by JDs no.1 and 2 should not be deducted from this balance sale consideration payable by DH to JD nos. 3 & 4.

The contentions of counsel for JD nos. 3 & 4 that since they are not the sellers of the suit property, therefore, the TDS amount of 1% cannot be deducted from their compensation amount, is required to be rejected. The reason for the same is that in case JD nos. 3 & 4 are not the sellers then why should DH pay the balance sale consideration to them which was payable to JDs no.1 and 2, who are the sellers of the suit property. The court had directed the payment of balance sale consideration to JD nos. 3 & 4 keeping into account the fact that JD nos. 3 & 4 pursuant to



cancellation of sale deed were entitled for refund of sale amount of Rs. 72 Lacs from JD nos. 1 & 2. Since JD nos. 1 & 2 were liable to return the sale amount of Rs. 72 Lacs to JD nos. 3 & 4, therefore, the balance sale consideration which was required to be paid by DH to JD nos. 1 & 2 was directed to be paid to JD nos. 3 & 4. Therefore, JD nos. 3 & 4 will get balance sale consideration which the JD nos. 1 & 2 would have got in normal circumstances.

Further, during the course of arguments, this court had also enquired from counsel for JD nos. 3 & 4 as to whether he had deposited any TDS amount on the sale consideration of Rs. 72 Lacs paid to JD no. 1 to which counsel for JD nos. 3 & 4 had answered in negative. Since JD nos. 3 & 4 have not deposited any TDS amount on the sale consideration of Rs. 72 Lacs, therefore, no adjustment of TDS amount can be ordered in this case with regard to sale of suit property by JD nos. 1 & 2 to DH. In the facts, TDS amount of 1% is required to be deducted from the balance sale consideration which was deposited in the court by the



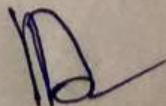
DH.

In the facts, the application filed by DH is allowed and Manager, OBC Bank, Kirti Nagar Branch, New Delhi is directed not to release amount of Rs. 70,000/- out of the amount of Rs. 67,63,580/- till further orders of this court. However, Bank Manager, OBC Bank, Kirti Nagar Branch, New Delhi is at liberty to release remaining amount out of Rs. 67,63,580/- after withholding Rs. 70,000/- in equal proportion to JD nos. 3 & 4 as per order dated 06.08.2020. Further, the order of release of Rs. 70,000/- in favour of DH shall be passed only after DH produces the receipt of deposit of TDS amount of 1% of sale value i.e. Rs. 70,000/- in favour of JD no. 2 who is the seller as per registered sale deed dated 22.07.2020.

Application stands disposed off.

Now let Nazir summon the miscellaneous file i.e. M-58288/16 (date of decision 20.09.2016) from record room for 21.08.2020.

Copy of order be given dasti to DH/ counsel



for DH who shall personally serve the same upon the Bank Manager, OBC Bank, Kirti Nagar, New Delhi for compliance.



(Vikas Dhull)
ADJ-01/West
THC/18.08.2020

CS No. 1150/2017
Rajinder Kaur Vs. Goldi Taneja

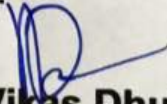
18.08.2020

File already received by way of transfer from the court of Sh. Anuj Aggarwal, Ld, ADJ-07, West, THC, Delhi by the orders of Ld. District & Sessions Judge, West, THC, Delhi. **It be checked and registered.**

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Pr : None.

None has joined today through VC. The court has waited till 1.00 p.m. In the facts, matter adjourned to 24.11.2020 for purpose already fixed.


(Vikas Dhull)
ADJ-01/West
THC/18.08.2020