

Sanjeev Khosla vs Rajiv Khosla And Ors on 19 August, 2020

Author: Rajiv Shakdher

Bench: Rajiv Shakdher

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(OS)No.216/2020 & I.A.Nos.7060-64/2020

SANJEEV KHOSLA

Through :

Mr. Sanjoy Ghose, Adv. with pl
person.

versus

RAJIV KHOSLA AND ORS.

....Defendants

Through : Mr. Sanjay Goswami, Adv. For D-1 and
3 with D1 and D3 in person.
Sandeep Dhunna, AR of D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER
ORDER

% 19.08.2020 [Court hearing convened via video-conferencing on account of COVID-19]

1. Allowed, subject to just exceptions.

2. Allowed, subject to the plaintiff curing the deficiencies referred to in the captioned application within five days of the lockdown qua this court being lifted.

CS (OS) No. 216/2020 & I.A. Nos. 7060-62/2020

3. Issue summons in the suit and notice in the captioned applications. 3.1 Mr. Sanjay Goswami accepts service on behalf of defendant nos. 1 and 3 while Mr. Sandeep Dhunna, who is the authorized representative of defendant no. 2 i.e. the builder, accepts service on behalf of the said defendant.

4. I have heard learned counsel for the parties and Mr. Sandeep Dhunna at some length.

CS(OS)No.216/2020 page 1 of 3

5. After confabulating with their respective clients, Mr. Sanjoy Ghose and Mr. Sanjay Goswami as also Mr. Dhunna have agreed to the following:

(i) Mrs. Saroj Khosla i.e. defendant no. 3, who has joined the virtual-court hearing, will execute a Will with regard to the basement and ground floor of the property bearing no. S-158, Greater Kailash-II, New Delhi-110048 [hereafter referred to as the "GK property"]. The plaintiff will be the beneficiary of this Will. Mrs. Saroj Khosla will file an affidavit whereby she will aver that she seeks only life interest in the basement and first floor of suit property and that if she were to pre-decease the plaintiff her share would vest in the plaintiff.

(ii) The plaintiff will file an affidavit which will, inter alia, indicate that he recognises the gift deed dated 23.11.2012 executed by his father i.e. deceased Shri K.D. Khosla in favour of his sibling, that is, defendant no. 1/Mr. Rajiv Khosla. As per the said gift deed, the first floor and the area above that, available for construction, at that point in time, qua the GK property, were gifted to defendant no. 1/Mr. Rajiv Khosla. The plaintiff's affidavit will also indicate his acceptance of the collaboration agreement dated 20.02.2017 executed qua the GK property. The plaintiff will aver, in the said affidavit, that he has no objection to the first floor and the third floor of the suit property falling to the share of defendant no. 1/Mr. Rajiv Khosla.

(iii) The plaintiff will withdraw the claimed possession of the basement and a part of the ground floor of the GK property.

(iv) The plaintiff will not prevent ingress and egress of defendant no. 2 i.e. the builder and/or his employees and agents. Defendant no. 2/builder will be permitted to complete the remaining work in the GK property.

CS (OS) No. 216/2020

(v) Defendant no. 2/builder will complete the remaining work in the s
property within the next three months. Defendant no. 2/builder will also be allowed to house the person to whom second floor of the GK property has been sold by it in pursuance of the rights conferred qua that portion of the property in terms of the aforesaid collaboration agreement. Defendant no. 2 will file an affidavit in that behalf.

(vi) Given the aforesaid terms and conditions, Mr. Sanjoy Ghose says that the grievance articulated in the suit by the plaintiff stands satisfied.

6. To be noted, I have interacted closely with Mrs. Saroj Khosla/defendant no. 3. She has voluntarily agreed to execute a Will in favour of the plaintiff qua the basement and the ground floor of the GK property as has been recorded hereinabove as also file an affidavit as adverted to in paragraph 5 (i)

above.

7. Needless to add, Defendant no. 1/Mr. Rajiv Khosla will also comply with the conditions agreed to hereinabove and, accordingly, file an affidavit in terms what is recorded hereinabove before the next date of hearing.

8. I may also make it clear that since defendant no. 1/Mr. Rajiv Khosla has also joined the present proceedings, he has given his consent to the aforesaid arrangement and, likewise, the plaintiff, who has also joined the present proceedings, has consented to the aforesaid arrangement.

9. Furthermore, parties will withdraw the legal proceedings taken out against each other and, if the proceedings have already reached the Court, the parties will assist in having the same quashed.

10. List the matter for compliance on 01.09.2020.

AUGUST 19, 2020
Aj/KK

CS(OS)No.216/2020

RAJIV SHAKDHER, J

[Click here to check corrigendum,](#)
page