

Value Line Interiors Pvt. Ltd. And Ors vs Khomes Realtors Private Limited & Ors on 28 March, 2023

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 179/2023

VALUE LINE INTERIORS PVT. LTD. AND ORS. Plaintiffs

Through: Ms. Purnima Singh, Mr. Namit
and Mr. Rameezuddin
Advocates

versus

KHOMES REALTORS PRIVATE LIMITED & ORS..... Defendants

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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28.03.2023

I.A. 6035/2023 (Exemption)

Subject to the plaintiffs filing the clear, original and legible/typed copies of any dim documents on which the plaintiffs may seek to place reliance, within four weeks from today, exemption is granted for the present.

The application is disposed of.

CS(COMM) 179/2023

1. The instant summary suit under Order XXXVII of the Code of Civil Procedure, 1908 (hereinafter "the CPC") has been filed on behalf of the plaintiffs seeking the following reliefs:

"That in view of the aforesaid facts and circumstances, the Plaintiffs accordingly pray that this Hon'ble Court may be pleased to pass the following reliefs in favour of the Plaintiff no. 1 to 3 and against the Defendants:

a) Pass a Money Decree for a sum of:

I. Rs. 4,38,00,000 (Rupees Four Crores Thirty Eight Lakhs only) in favour of Plaintiff No.1 and against the Defendants, along with interest @18% per annum from the date when the said amount fell due till the actual date of realization of the said amount;

II. Rs. 70,00,000- (Rupees Seventy Lakhs only) in favour of Plaintiff No. 3 and against the Defendants, along with interest @18% per annum from the date when the said amount fell due till the actual date of realization of the said amount;

b) Cost towards the legal fees;

c) Costs towards instituting the present Suit;

d) Pass such other and further orders in favour of the Plaintiffs and against the Defendants as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case."

2. Learned counsel appearing on behalf of the plaintiffs submitted that plaintiff no. 1 is a private limited company incorporated on 19th October, 1987 registered under the Companies Act 1956, having its registered office at Kh. No. 1834 A-Block, Vasant Kunj Enclave, New Delhi - 110070. Plaintiff no. 1 is a leading player and a well-known name in the Interior Designing industry, being involved in the business of all disciplines of interior construction. The plaintiff no.2 is a law-abiding citizen of India and a businessman by profession. The plaintiff no. 3 is the wife of plaintiff no. 2 and is closely associated with plaintiff no. 2 in his professional pursuits. It is submitted that the plaintiff no. 2 and the plaintiff no.3 are the directors of plaintiff no. 1 Company.

3. It is submitted that the defendant no. 1 is a private limited company incorporated on 14th May, 2015 and is registered under the Companies Act 2013, having its registered office at G-29, Spaze Palazzo, Sector- 69, Gurgaon, Haryana 122001 and is, inter-alia, engaged in real estate activities.

4. It is submitted that the plaintiffs had accepted the cheque(s), signed and issued by defendants to discharge their liability towards the plaintiffs, in good faith and with no reason to believe that the said cheque(s) would be dishonoured on the presentation for any reason.

5. Learned counsel appearing on behalf of the plaintiffs submitted that the plaintiffs were shocked and surprised when only three out of the aforesaid presented cheques handed over, got cleared being cheque Nos.000364, 000361 and 000360. It is submitted that the defendants never had the intention to honour the payment of the said dishonoured cheque and solely with ulterior motives had induced the plaintiffs to pay with such a huge sum of money and thereafter accept the said cheque, knowing it fully well that the defendants neither had funds in their account nor had any intention to discharge their liabilities towards the plaintiffs.

6. It is submitted that in order to further harass the plaintiffs, an illegal, malafide, a misleading, vexatious, pre-emptive and vindictive police complaint was lodged on 22nd May, 2020 in Police Station Badshahpur by defendant no. 2 after the plaintiffs deposited high-value cheques, falsely alleging that the signatures of the defendant no. 2, have been impersonated by plaintiffs.

7. It is submitted that a sum of Rs. 5,08,00,000/-(Rupees Five Crores Eight Lakhs Only) is outstanding and payable by defendant no. 1 and 2 to plaintiffs no. 1 to 3. Over and above the said amount, the defendant no. 1 and 2 are also liable to pay interest to the plaintiff no. 1 to 3 @ 18% per annum from the date when the said amount fell due till the actual date of realization of the said amount along with costs towards the legal fees incurred by the plaintiffs.

8. Heard.

9. Let the plaint be registered as a suit.

10. Issue summons of the suit to the defendants as per prescribed form under Order XXXVII of the CPC through all permissible modes.

11. List on 19th April, 2023 before Joint Registrar.

CHANDRA DHARI SINGH, J MARCH 28, 2023 gs/as [Click here to check corrigendum](#), if any