

M-410/18
UOI Vs. M/s R.R. Foundation Engineering Pvt. Ltd.

06.08.2018

Present: Sh. Rishi Raj, Director of applicant/M/s R.R. Foundation Engineering Pvt. Ltd.

Case file requisitioned from Record Room.

The case file has been perused as applicant has moved application u/s 151 CPC, for release of original title deeds of land situated at Village Khanpur, Tehsil Nooh, Gurugram, Haryana.

Said original title deeds were filed on record to secure the release of 25% of awarded amount.

Original file was called for and perusal of record file reveals that arbitration award was challenged by Union of India and in OMP 96/2008. Vide order dated 12.02.2008, the Union of India i.e. the petitioner was directed to deposit the awarded amount in the court and as per order dated 19.03.2008, 25% of the said amount was ordered to be released to applicant M/s R.R. Foundation Engineers (P) Ltd., however, subject to furnishing of adequate security for the said release. Consequently, the security bond and original title documents were filed by Sh. Rishi Raj, Director of the applicant, who is present today, alongwith Sh. Ravi Raj, who is joint owner of the property, which was furnished as security on 20.03.2008 for the purpose of release of 25% of the award amount. The said security bond was finally accepted vide order dated 09.07.2008 and it was observed in the said order that the original title deed, furnished as security be retained and kept in safe custody of the

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Deputy Registrar, concerned. It is for the release of these documents that the present application has been file as subsequently the said OMP, because of change in pecuniary jurisdiction, was transferred to this Court and the arbitration petition i.e. objection was finally dismissed in default on 28.08.2018.

The Court has not received any order from the Hon'ble High Court for stay of the proceedings thereafter and even the applicant submits that he has not received any notice regarding challenge of dismissal order from the petitioners. Accordingly, as the said objections have been dismissed in default vide order dated 28.08.2017 and almost one year has passed since then, hence, the application of applicant for release of title document is allowed. Title documents are taken out of sealed cover and applicant may apply for their certified copies.

The title documents be released to the applicant, as per law, subject to taking of certified copies on record.

Application is disposed of.

File be consigned to record room.

Order be given dasti.

(S.P.S. LALER)
ADJ-01 (Central), Delhi/06.08.2018
(AD)