

New No. CS 77895-16

08.03.2018

Present Sh. Anurag Bindal, counsel for plaintiff
 Sh. Kanti Prasad, Counsel for defendant
 Ms. Ravi Prabha, counsel for DDA.

The counsel for DDA is discharged as the presence of the DDA is no longer required.

Arguments heard on the application of the plaintiff u/s 151 CPC seeking the release of the interest accruing on the amount of Rs.21.5 Lacs deposited vide two bankers cheque dated 18.02.13 in compliance of the order dt. 29.01.13.

The aforesaid amount was deposited by the plaintiffs to show their readiness and willingness to pay the balance sale consideration as recorded in the order dated 29.01.2013. As revealed by the DDA, the defendant has not applied for any NOC till date though submissions in that regard were made before the High Court that such NOC was applied. The contentions of the defendant that the interest be not released because he had applied for the NOC are without any force.

In the given circumstances when the plaintiff has deposited the balance sale consideration, I am of the view that the interest accruing on the deposited amount must go to the plaintiff, who has shown his bonafide by making the deposits. The party which complies with the order of the Court and makes deposits in bonafide manner should not be made to suffer as per the law of equity. Accordingly, the application is allowed and the registry where the said amount is lying deposited may issue appropriate voucher in favour of

the plaintiff regarding the interest till date accruing on the aforesaid deposit of Rs.21.5 Lacs.

To come up for arguments on the application u/o 12 Rule 6 CPC on 15.05.2018.

(Sidharth Mathur)
ADJ-02 (North-West)
Rohini Courts, Delhi