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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA 214/2019**

TATA POWER DLEHI DISTRIBUTION LIMITEDAppellant
Through: **Mr. Santosh Ramdurg, Adv.**

versus

SANTOSH KUMARI & ORSRespondent
Through: **Mr. Ashok Popli and Mr. Sanjay Popli, Advs. alongwith R-1 to 3 in person**

CORAM:
REGISTRAR GENERAL KANWAL JEET ARORA

ORDER

12.03.2025

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CM No.28142/2024

1. The Hon'ble Court vide order dated 30.10.2023 has, inter alia, directed as under:-

“.....

4. *Since there is a money decree in favour of the respondents, the respondents are entitled to release of the said amount along with accrued interest subject to furnishing security to the satisfaction of the Registrar General of this Court.....”*

2. As per office report, an amount of ₹19,17,967/- is lying deposited in this case in the shape of an FDR.

3. In compliance of the aforesaid order passed by the Hon'ble Court, respondent No.1/surety has placed on record the original security bond for herself and on behalf of respondent Nos.2 and 3 who are her children. As security, respondent No.1 has furnished her *property admeasuring 150 sq.*



yds i.e.0 Kanal 5 Marla comprising in Khewat No. 300, Khata No.331 Old Khewat No.251 and Khata No.275, forming part of Mustakil and Kila No.70/4/1 (4-16), 4/2 (2-15), 6/2 (4-11), 6/3 (2-13) total measuring 14 Kanal 15 Marla situated in Village Akbarpur, Barrota, Tehsil Rai, District Sonipat for the release of the deposited amount to her and respondent Nos.2 and 3. In support of her ownership claim, respondent No.1 has also brought original Sale Deed dated 31.12.2018 of the aforesaid property registered vide registration No.5619, Book No.1, Vol. No.38, Page No.17 and copy thereof vide Book No.1, Vol. No.1273 at pages 4 to 6 with Sub-Registrar, Rai, District Haryana. ***The aforesaid original sale deed has been returned to the respondent No.1 after making necessary endorsement.*** Her statement qua furnishing her aforesaid property as security in this case for herself and on behalf of the respondent Nos.2 and 3 for the release of the deposited amount has been recorded separately and she has been identified by her counsel.

4. The verification report qua the aforesaid property furnished as security by respondent No.1/surety was called from the concerned Revenue Authority. On 03.02.2025, Mr. Ranbir Singh, Kanoongo, from the office of District Magistrate, Sonipat, Haryana had appeared and submitted report dated 28.01.2025 issued by District Magistrate, Sonipat, Haryana and stated that as per report the value of the aforesaid property is ₹11,55,000/-; the same is owned by respondent No.1/Santosh Kumari; the same is free from any encumbrances and is in the possession of Ms. Santosh Kumari. His statement to this effect was recorded separately on 03.02.2025.

5. The respondent Nos.2 and 3 have also given their respective statements qua releasing the deposited amount to them in terms of the orders of the Hon'ble Court against the security furnished by respondent No.1 on their



behalf. They have also been identified by their counsel.

6. In the present case, perusal of the record reveals that 50% of the decretal amount has been deposited by the appellant. In view of this fact, the learned counsel for the respondent No.4/Chandro made submissions before this Court that in all fairness as only 50% of the awarded amount is lying deposited in this court, she has no objection if the said amount is released to respondent Nos.1 to 3 in terms of the aforesaid order of the Hon'ble Court. As such, this court is proceeding further to consider the security offered by respondent No.1 for herself as well as on behalf of respondent Nos.2 and 3.

7. I have gone through the verification report qua the aforesaid property of the respondent No.1 furnished by the revenue authorities. Further, I have also gone through the statement of the concerned revenue official as well as the statement given by respondent No.1/surety qua furnishing her aforesaid property as security in the present case for the release of the deposited amount to her as well as the respondent Nos.2 and 3 in terms of the aforesaid order passed by the Hon'ble Court. Furthermore, I have also gone through the statements of respondent Nos.2 and 3 given in this regard.

8. *Apparently*, the property furnished as security by the respondent No.1/surety has been valued by the revenue authorities to be ₹11,55,000/-. Therefore, I have no hesitation in accepting the security furnished by respondent No.1/surety for herself and on behalf of the respondent Nos.2 and 3 to extent of the value of the property. Accordingly, the security furnished by the respondent No.1/surety for herself as well as on behalf of respondent Nos.2 and 3 is hereby accepted subject to the condition that respondent Nos.1 to 3 shall refund the released amount to this court in the event of the appeal succeeding, failing which such amount shall be liable to be recovered by the



Court by putting the aforesaid property furnished as security by the surety on sale and the surety or any successor of surety will not be permitted to protest the same on any ground whatsoever.

9. In view of the above, Registrar (B&A) is directed to release the amount of ₹ 11,55,000/- to respondent Nos.1 to 3 in terms of order dated 30.10.2023 passed by the Hon'ble Court after due verification and receipt.

10. The Deputy Registrar concerned is also directed to send a communication regarding the aforesaid property of the respondent No.1/surety being furnished as security in this case to the concerned Sub-Registrar and SDM by all modes as well through electronic mode and ensure that the necessary entries are made in their records and also obtain a compliance report to the said effect forthwith.

11. The application stands disposed off.

KANWAL JEET ARORA
REGISTRAR GENERAL

MARCH 12, 2025

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Click here to check corrigendum, if any