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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LA.APP. 60/2019**
NORTH DELHI MUNICIPAL CORPORATION

..... Appellant
Through : Ms.Mini Pushkarna, Standing
Counsel, Ms.Swagata Bhuyan,
Ms.Khushboo Nahar and Ms.Latika
Malhotra, Advocates for North DMC.
versus

M/S POPULAR RUBBERS INDUSTRIES & ANR

..... Respondents
Through Mr.S.K.Rout and Mr.Achin Saxena,
Advocates for R1.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **27.02.2020**

CM APPL No.7948/2020

Applicant/appellant moves this application for taking up pending CM APPL.Nos.4087-89/2020.

The urgency is because of an order dated 20.06.2020 passed by learned Executing Court whereby an amount of Rs.11,75,029/- received by way of attachment is directed to be released to the decree holder / respondents as per procedure.

The learned counsel for the appellant/applicant says they have already filed an appeal challenging the enhancement and whereas the compensation initially given by the Government has since been received by the respondents. It is also alleged the appellant has already deposited an amount of Rs.2,39,914/- and per the modification order dated 27.04.2019 of the learned Trial Court, they

further need to deposit an amount of Rs.4,72,522/- so as to make it 50% of the decretal amount per order dated 09.01.2020 as it comes to Rs.7,12,436.77.

It is argued since substantial appeal is pending, the enhanced amount be directed to be deposited with the learned Registrar General of this Court and the order dated 26.02.2020 of the learned executing Court be stayed till next date of hearing.

The learned counsel for the respondent No.1 now has pressed for release of the deposited amount and has shown me an order dated 15.07.2019 passed by the Supreme Court in Civil Appeal No.5535/2019 whereby the enhanced 50% decretal amount so deposited by North DMC in the said appeal was directed to be released in favour of the respondents.

The learned counsel for the appellant/seeks time to verify the facts. Nonetheless, subject to appellant's depositing the draft of Rs.4,72,522/- with the learned Registrar General of this Court within a week from today, the operation of the order dated 26.02.2020 passed by learned Executing Court shall remain stayed till further orders.

List on 30.04.2020, the date already fixed.

Copy of this order be given *dasti* to the parties under signature of the Court Master.

YOGESH KHANNA, J.

FEBRUARY 27, 2020

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