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

+ LA.APP. 62/2019

NORTH DELHI MUNICIPAL CORPORATIONAppellant

Through: Mr. Sanjay Vashishtha, Standing
Counsel for MCD with Mr.
Siddhartha Goswami and Mr.
Siddharth Karnawat, Advocates.

versus

DIVYA JAIN & ANR

.....Respondents

Through: Mr S.K. Rout, Ms. Dimple Dhamija,
Mr. Achin Saxena, Mr. Aman
Mehrotra, Mr. Rahul Kumar,
Advocates for respondent no.1.
Mr. Sanjay Kumar Pathak, Standing
Counsel for respondent no.2/UOI.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.05.2025

CM APPL. 27038/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CM APPL. 27037/2025 (seeking release of amount by respondent no.1)

1. By way of present application, the applicant/respondent No.1 seeks release of 50% of the decretal amount alongwith the interest accrued upon it that was deposited by the appellant on 15.07.2019 in pursuance of this Court's order dated 10.05.2019.
2. Learned counsel for the applicant/respondent No.1 refers to the decision of the Supreme Court in Kazi Moinuddin Kazi Bashiroddin and Ors. v. Maharashtra Tourism Development Corporation & Anr. reported as **2022 SCC OnLine SC 1325** which was subsequently followed by this

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Court vide order dated 21.05.2024 passed in **L.A. APP. 64/2023** titled Delhi Metro Rail Corporation v. Smt. Babita Aggarwal & Ors. and submits that in terms of the aforesaid decisions, at this stage, the applicant/respondent No.1 seeks release of 50% of the decretal amount deposited by the appellant alongwith the interest accrued thereupon.

3. Issue notice.

4. Learned Standing Counsel for the non-applicant/appellant accepts notice. He submits that subject to the applicant/respondent No.1 furnishing indemnity bond/adequate security, he has no objection to the aforesaid prayer.

5. In view of the above, the application is allowed. On the applicant/respondent No.1 furnishing an indemnity bond to the extent of 50% of the decretal amount to the satisfaction of the Registrar General, the decretal amount alongwith the interest accrued upon be released to the applicant/respondent No.1. Let an undertaking in the form an affidavit be filed by the applicant/respondent No.1 within one week from today, that in case the appellant succeeds in the appeal, the respondent No.1 shall return the compensation so released back to the appellant.

6. List before the Registrar General on 09.05.2025 for the aforesaid purpose.

7. In view of the above, the present application is disposed of.

MANOJ KUMAR OHRI, J

MAY 5, 2025/rd