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

\+ LA.APP. 63/2019

NORTH DELHI MUNICIPAL CORPORATION.....Appellant

Through: Mr. Siddharth Goswami for Mr. Sanjay Vashishtha, St. Counsel (Through VC)

versus

M/S PREMIER RUBBER INDUSTRIES & ANR .....Respondent

Through: Mr. S.K. Rout, Ms. Dimple Dhamija, Mr. Rahul Kumar, Mr. Rakesh Singh, Ms. Alka Singh and Ms. Pratima, Advs. for R-1 alongwith Mr. Ajay Makkar and Mr. Chander Makkar partners of respondent No.1

Mr. M.S. Akhtar for Mr. Sanjay Kumar Pathak, Adv. for R/UOI

CORAM:
REGISTRAR GENERAL SH. ARUN BHARDWAJ

O R D E R

% **09.05.2025**

1. Vide order dated 05.05.2025, the Hon'ble Court has, *inter alia*, directed as under:-

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> *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…..”

2. In compliance of the aforesaid order of the Hon’ble Court Indemnity Bonds alongwith undertaking by way of affidavits have been filed by the the partners, namely, Ajay Makkar and Mr. Chander Makkar of respondent No.1 in original today in the court for the purposes of releasing of their respective half shares in the 50% of the decretal amount lying deposited in this case alongwith proportionate accrued interest.

3. Learned counsel for the respondent No.1 submits that earlier also the amount was released to the partners of respondent No.1, namely, Mr. Ajay Makkar and Mr.Chander Makkar by the trial court in equal shares and requests that the present amount may also be released to them in same manner. Learned counsel for the respondent No.1 further submits that the appellant has compositely deposited the 50% of the decretal amount of ₹12,76,084/- in LA App. No.60/2019 and the said amount is bifurcated as under:-

- ₹2,39,914/- pertaining to LA. App. 60/2019,
- ₹1,64,106/- pertaining to LA. App. No.62/2019
- ₹8,72,064/- pertaining to LA. App. No.63/2019.

4. Learned counsel for the respondent No.1 further submits that now in the present case an amount of ₹8,72,064/- alongwith accrued interest is required to be released to the aforesaid partners of the respondent No.1 in equal shares in terms of the aforesaid order of the Hon’ble Court. Learned counsel for the respondent No.1 further submits that the aforesaid partner of respondent No.1 shall be bound by the orders of the Hon’ble Court and in the event the appellant succeeds in the present appeal, they shall refund/return the

amount so released back to the appellant. It is further submitted by the learned counsel for the respondent No.1 that the aforesaid partners, who are present in the court today, are also ready to give their statements in this Court apart from filing their Indemnity Bonds and undertaking by way of respective affidavits. Statements of the aforesaid partners of respondent No.1 have been recorded separately to this effect and they have also been identified by their counsel.

5. In view of the indemnity bonds and the undertaking by way of an affidavits filed by the aforesaid partners of respondent No.1 in terms of the aforesaid order of the Hon'ble Court and also keeping in mind the statements given by them qua refund/ return the amount on any future directions of the Hon'ble Court or in the event of the appellant succeeding in the present appeal, I find no impediment in releasing the 50% of decretal amount to the respondent No.1 alongwith accrued interest against her aforesaid indemnity bond and undertaking by way of an affidavit filed on record.

6. Registrar (B&A) is directed to release the 50% of the decretal amount i.e. ₹8,72,064/- (compositely deposited by the appellant in LA. App. 60/2019) to the aforesaid partners of respondent No.1 in equal shares alongwith proportionate accrued interest in terms of the order dated 05.05.2025 passed by the Hon'ble Court after due verification and receipt.

ARUN BHARDWAJ
REGISTRAR GENERAL

MAY 9, 2025
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Click here to check corrigendum, if any