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

+ **CM No.32664/2024 in**
RFA(COMM) 107/2024

MUNICIPAL CORPORATION OF DELHI APPELLANT

Through: Mr Sanjeev Sagar, Standing Counsel
for MCD along with Ms Nazia
Parveen, Mr Yadav Birandra
Gamprasad, Mr Deeptamshu Mishra,
Mr Akhilesh Kumar Yadav, Mr
Vishal Kumar Yadav and Mr Ashish
Shukla, Advs.

versus

**M/S MANMOHAN SINGH WADHWA
CONSTRUCTION PVT LTD**

..... RESPONDENT

Through: Mr Avinash Trivedi, Mr Rhythem
Nagpal and Mr Anurag Kaushik,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **28.05.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.32664/2024

1. This is an application moved on behalf of the respondent seeking release of the money deposited by the non-applicant/appellant pursuant to the conditional order of stay granted by the Court via order dated 20.03.2024.

2. We find that the security that the applicant/respondent offers is by way of an immovable property which is in the occupation of a tenant.

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3. Learned counsel for the applicant/respondent says that the property is, otherwise, unencumbered. That said, since a tenant is in occupation, it may create impediments in the event the immovable property as security is required to be sold.
4. We may note that it is the submission of learned counsel for the applicant/respondent that the subject property is no more in the occupation of the tenant, and therefore, the apprehension expressed by the Court may have been addressed.
5. If such circumstances have undergone a change since the time the application was preferred, an affidavit will be filed setting out this fact, before the next date of hearing.
6. Thus, at the request of learned counsel for the applicant/respondent, list the application on 31.05.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 28, 2024

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[Click here to check corrigendum, if any](#)