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

+ **LA.APP. 55/2021**

NORTH DELHI MUNICIPAL CORPORATION Appellant

Through: **Mr. Sanjay Vashishtha, Standing Counsel.**

versus

M/S. ESVEE POLYMERS MANUFACTURING COMPANY & ANR.

..... Respondents

Through: **Mr. S. K. Rout, Ms. Dimple Dhamija, Mr. Aman Mehroatra, Mr. Ganesh Singh, Mr. Rahul Chauhan and Ms. Shruti Rathore, Advocates for R-1 with Mr. Achin Saxena, Respondent in person.**

Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha, Mr. M. S. Akhtar and Ms. Nidhi Thakur, Advocates for R-2/UOI.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% 22.04.2024

CM APPL. 22849/2024 (exemption)

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

CM APPL. 22848/2024 (filed on behalf of the private respondent for release of 50 % of enhanced amount)

3. The present application is filed under section 151 C.P.C. on behalf of the respondent no. 1 for the release of 50% of the enhanced compensation as deposited by the appellant vide DD bearing no.012497 dated 24.09.2021.



4. The present appeal was ordered to be admitted vide order dated 24.08.2021 and the operation of the impugned judgment and decree was ordered to be stayed subject to the deposition of the 50% of the decretal amount.

5. The counsel for the respondent no. 1 stated that the appellant has already deposited 50% of the decretal amount and the said amount be released to the respondent no. 1 on furnishing adequate security/indemnity bond to the satisfaction of the Registrar General of this Court.

6. The counsel for the appellant stated that the respondent no. 1 has raised objection to the calculation of the decretal amount and has already filed a separate application in this regard. It is further stated that the amount as already deposited by the appellant can be released to the respondent no. 1 and if there is any difference in the calculation, it can be considered at a later stage.

7. Accordingly, 50% of the decretal amount as already deposited by the appellant is ordered to be released to the respondent no. 1 on furnishing indemnity bond to the satisfaction of the Registrar General of this Court.

8. The application stands disposed of.

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9. List on 21.08.2024 before the Registrar, i.e. the date already fixed.

DR. SUDHIR KUMAR JAIN, J

APRIL 22, 2024

Sk/am