



\$~55

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

LA.APP. 59/2021 & CM Appl.27739/2021

NORTH DELHI MUNICIPAL CORPORATIONAppellant

Through: Mr. Sanjay Vashishta, SC with Ms. Harshita Rai, Mr. Siddhartha Goswami and Ms. Gunjan Rathore, Advs.

versus

M/S DIVYA AUTOMATES & ANR.Respondents

Through: Mr. S.K. Rout, Ms. Dimple Dhamija, Mr. Achin Saxena, Mr. Aman Mehrotra and Mr. Rahul Kumar, Advs. for R-1.
Mr. Sanjay Kumar Pathak, SC with Mr. Sunil Kumar Jha and Mr. M.S. Akhtar, Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

%

17.02.2025

CM APPL. 9320/2025 [for Exemption]

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

CM APPL. 9319/2025 [under Section 151 of the CPC]

3. This is an Application filed on behalf of Respondent No.1 seeking release of enhanced compensation/decretal amount, along with interest accrued thereupon, lying before this Court.
4. Issue Notice. Learned Counsel for the Appellant and Respondent No.2 accept Notice and submit that they do not wish to file any Reply to the present Application, and that the amounts may be released in favour of the Respondent No.1 subject to furnishing of appropriate indemnity bond.



5. Accordingly, as per the mandate of the judgment of the Supreme Court in ***Kazi Moinuddin Kazi Bashiroddin & Ors. V Maharashtra Tourism Development Corporation & Anr.***; 2022 SCC OnLine SC 1325, the following directions are passed:

(i) 50% of the amount deposited by the Appellant, along with interest accrued thereupon, shall be released to Respondent No.1 on furnishing an indemnity bond with an undertaking by way of an affidavit to the satisfaction of the worthy Registrar General of this Court.

(ii) The affidavit shall set out that in the event the Appellant succeeds in the present Appeal, Respondent No.1 shall repatriate the compensation so released back to the Appellant.

6. The Application is disposed of with the foregoing directions.

LA.APP. 59/2021

7. The parties seek and are granted time to file their respective written synopsis, not exceeding three pages each, at least one week before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

7.1 All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

8. List before the concerned Registrar on the date already fixed i.e., 01.05.2025.

TARA VITASTA GANJU, J

FEBRUARY 17, 2025/r

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