



\$~71

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

+ **CM(M) 2736/2024**

KANHAIYA LAL YADAV

..... Petitioner

Through: Mr. Rajat Sang, Adv.

versus

ROSHAN LAL ROHILLA

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **30.05.2024**

CM APPL. 33811/2024—Exp.

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

CM(M) 2736/2024

3. The present petition under Article 227 of the Constitution of India read with Section 151 of Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') has been filed to impugn the order dated 21.05.2024 passed by the learned District Judge-05, South-West, Dwarka Courts, Delhi (hereinafter referred as 'Trial Court') in CS DJ ADJ No. 361/2022 titled as "*Roshan Lal Rohilla vs. Kanhaiya Yadav*", whereby the petitioner has been granted conditional leave, subject to deposit of FDR of Rs.5 lacs within eight weeks.
4. Learned counsel for the petitioner submits that the respondent on



19.04.2022 had filed a summary suit under Order XXXVII of CPC for recovery of Rs.22,00,000/- against the petitioner. Thereafter the petitioner moved an application under Order XXXIX Rule 3(5) read with Section 151 CPC seeking leave to defend the said summary suit. Subsequent thereto, the learned Trial Court vide impugned order has granted conditional leave subject to deposit an FDR of Rs.5 lacs within eight weeks.

5. Issue notice.

6. Upon petitioner's taking necessary steps, issue notice to the respondent through all permissible modes including via approved courier service, returnable on 03.09.2024.

7. The learned counsel orally presses for stay of the impugned order to deposit Rs. 5 lacs.

8. In view of the submission, the time to deposit of Rs. 5 lacs is hereby enlarged to be deposited within 12 weeks from the date of the impugned order.

SHALINDER KAUR, J

MAY 30, 2024

ab