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IN THE HIGH COURT OF DELHI AT NEW DELHI

RFA 167/2010

YASHVIR SINGH

..... Appellant

Through: Mr. Ashok Kumar for Mr. Prasoon
Kumar, Advs.

versus

RAMPHAL TYAGI

..... Respondent

Through: Mr. Nalin Tripathi and Mr. A.K.
Pathak, Advs.
Mr. Ramphal Tyagi, respondent in
person

CORAM:

REGISTRAR GENERAL SH. RAVINDER DUDEJA

ORDER

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20.07.2022

1. Vide order dated 21.05.2012, the Hon'ble Court has passed the following order:-

“Application is allowed and the amount deposited in this Court alongwith accrued interest be released to the respondent, on his furnishing security to the satisfaction of the Registrar General of this Court.”

2. As per office report, an amount of Rs.5,00,000/- was deposited by the appellant which has been invested in the FDR.

3. In compliance of the order of the Hon'ble Court, Ms. Geeta Tyagi/surety and wife of respondent has furnished a security on behalf of the respondent for release of the amount of Rs.5,00,000/- alongwith interest in terms of order of the Hon'ble Court. As security, Ms. Geeta Tyagi has furnished sale deed dated 14.2.2005 in respect of Ground Floor (without roof



rights), admeasuring 296.66 sq. yds approx. and one room on the second floor admeasuring 28.69 sq. yds of property bearing no. WZ-505 which is a part of Khasra No. 698 situated in the area of Village Basai Darapur, New Delhi-110015 . The same has been registered in favour of Ms. Geetha Tyagi, vide registration No.5941 in Addl. Book No. I, Volume 12511 pages 122 to 129 dated 25.02.2005 with Sub-Registrar-II, Janakpuri, New Delhi.

4. Ms. Geeta Tyagi/surety and the respondent have stated that they shall not sell, alienate, transfer or part with the possession of their portion on the aforesaid property or create any third party interest on the same without the leave of the Hon'ble Court. They further stated that they are the absolute owner of their portion in the aforesaid property and in actual physical possession of the same; property is free from all encumbrances; there is no lien, charge or pending court litigation on the above said property and the same has not been given as security in any other case or in favour of anyone.

5. Ms. Geeta Tyagi/surety has also furnished additional affidavit dated 28.02.2022 to the effect that there is no encumbrance on aforesaid property.

6. It may also be pointed out here that appellant has not filed any reply in connection with the release of money against the aforesaid security offered by the respondent.

7. A report has been received from Mr. Mukesh Kumar, Executive Magistrate/Tehsildar, Patel Nagar with respect to ownership, valuation and encumbrances on the Ground Floor without roof rights, area measuring 296.66 sq. yds approx., one room on the second floor land area measuring 28.69 sq. yds out of the portion of property No. WZ-505, land area measuring 500 sq. yds. approx., part of Khasra No. 698 situated in the area of Village Basai Darapur, New Delhi-110015 registered in favour of Smt. Geeta Tyagi



vide sale deed dated 14.02.2005 duly registered vide registration No .5941 in Addl. Book No. I, Volume 12511 pages 122 to 129 dated 25.02.2005 with Sub-Registrar-II, Janakpuri, New Delhi. As per report, the said property is in physical possession of (i) Ms. Geeta Tyagi and Ramphal Tyagi, (ii) Madhu Tyagi, (iii) Mr. Manoj Tyagi, (iv) Rajender Tyagi, (v) Sanjay Tyagi and Rahul Tyagi s/o Mr. H.R. Tyagi, as per revenue record there is no loan on the abvoesaid Khasra number and there is no dispute on the same property. The value of share of the portion of Ms. Geeta Tyagi has been given as Rs.81,92,501.76.

8. Statements of Ms. Geeta Tyagi/surety and Mr. Manoj Tyagi have already been recorded on 25.04.2022 and they both have been identified by their counsel.

9. Statement of Mr. Ramphal Tyagi, respondent has also been recorded separately and he has been identified by his counsel. Original sale deed dated 14.02.2005 returned to respondent after making necessary endorsement.

10. Based on the above, it seems quite evident and apparent that the value of property in question is sufficient to secure the amount to be released.

11. Having regard to the statements of surety, respondent, Mr. Manoj Tyagi and report of the Executive Magistrate/Tehsildar, Patel Nagar, New Delhi and the documents furnished by surety in respect of the abovesaid property, the security furnished is hereby accepted subject to the condition that respondent shall refund the amount as may be ordered by the Hon'ble Court in the event of the appeal succeeding, failing which such amount shall be liable to be recovered by the Court by putting the aforesaid property on sale and respondent or surety will not be permitted to protest the same on any



ground whatsoever.

12. The Deputy Registrar concerned is directed to send a communication to the concerned Sub-Registrar and SDM through physical mode as well through electronic mode that the aforesaid property has been furnished as security in this case and necessary entry be made in their records and to obtain a compliance report to the said effect forthwith.

13. In view of the above, Registrar (B&A) is directed to release the amount of Rs.5,00,000/- alongwith interest to respondent in terms of order dated 21.05.2012 passed by the Hon'ble Court after due verification and receipt.

RAVINDER DUDEJA
REGISTRAR GENERAL

JULY 20, 2022

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