



\$~97

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

+ W.P.(C) 14463/2021

ALL INDIA RADIO

..... Petitioner

Through: Ms. Shruti Sharma, Advocate
(Through VC)

versus

TEJPAL

..... Respondent

Through: Ms. L.Gangmei, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

30.04.2024

%

CM APPL. 25167/2024 (Seeking direction for release of amount)

1. The instant application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the respondent/applicant for releasing the amount along with the accrued interest in terms of the order dated 8th May, 2023 in CM APPL. 11084/2022.

2. Learned counsel appearing on behalf of the applicant fairly conceded that the date was fixed before the Registrar on 19th August, 2023 for verification.

3. It is submitted that as per the order and direction dated 8th May, 2023 of the Predecessor Bench of this Court, the applicant was supposed to file an undertaking by which the amount was to be released in favour of the applicant. The relevant portion of the said order is reiterated hereinbelow:



“5. The application is, accordingly, allowed by directing the Registry to forthwith release, alongwith the accrued interest thereon, the amount of Rs.1 lakh deposited by the petitioner in favour of the workman/respondent, the same would, however, be subject to the respondent filing, within one week, an affidavit undertaking to refund the aforesaid amount in case the petitioner were to succeed before this Court.”

4. It is submitted that in terms of the direction of the Predecessor Bench of this Court, an undertaking was filed on 5th August, 2023 and the matter was listed on 19th August, 2023 for verification of the said undertaking. On the said date, the counsel could not appear before the learned Registrar Court due to some unavoidable circumstances.

5. Learned counsel appearing on behalf of the applicant submitted that the respondent/applicant is a poor person and the money is lying deposited with the Registry. Due to some inadvertent circumstances, the counsel could not appear before the learned Registrar Court for verification as required for releasing the amount.

6. It is submitted that this Court may direct the Registry to release the amount in terms of the order dated 8th May, 2023 passed by the Predecessor Bench of this Court.

7. *Per contra*, learned counsel for the non-applicant appearing on advanced notice submitted that the applicant did not appear before the learned Registrar Court on the date fixed, therefore, the amount could not be released in favour of the applicant. She submitted that since the order has already been in existence for releasing the amount, she has no objection if any direction is passed by this Court for releasing the amount in terms of the order dated 8th May, 2023 which was passed by the Predecessor Bench of



this Court.

8. Heard learned counsel appearing on behalf of the parties and perused the contents made in the application as well as the arguments advanced on behalf of the parties.

9. Since learned counsel appearing on behalf of the applicant has made an innocuous prayer that the amount may be released in favour of the applicant after verification of the undertaking which has already been filed before the learned Registrar in terms of the directions passed by the Predecessor Bench of this Court vide order dated 8th May, 2023, therefore, in the interest of justice, the Registry is directed to verify the said undertaking and release the amount along with the accrued interest in terms of the directions passed vide order dated 8th May, 2023 by the Predecessor Bench of this Court.

10. Accordingly, the application stands disposed of.

W.P.(C) 14463/2021

List on 7th May, 2024 before Registrar.

CHANDRA DHARI SINGH, J

APRIL 30, 2024

gs/ryp

Click here to check corrigendum, if any