



\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 502/2022
MUNICIPAL CORPORATION OF DELHIAppellant
Through: Ms. Sakshi Popli, Standing Counsel.

versus
RAM KIRPAL YADAV & ORSRespondent
Through: Mr. Abinash K. Mishra and Mr.
Gaurav K. Pandey, Advs. for R-1 &
2.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% 25.03.2025

CM APPL. 45706/2024

1. This application has been filed seeking release of the decretal amount deposited pursuant to order of this Court dated 04th October 2023.
2. By the said order, the MCD had deposited 75% of the decretal amount, which has been kept with the Registry of this Court, along with accrued interest.
3. Counsel for the applicants/respondents' states that the impugned order dated 19th April 2022 had granted compensation due to the negligence of the MCD to maintain the road in front of Shyam Lal College, Shahdara and the respondents' son had died on 09th September 2010 when he was driving his motorcycle and had fallen down due to a deep hole on the flyover road in front of Shyam Lal College. The hole was approximately measuring 1.5 feet in length, 1 foot in breadth and 1 foot deep, due to which the son of the respondents had sustained severe injuries.
4. The said assertions were noted in the impugned judgment and had been duly considered, as is stated by the counsel for the respondents.



However, the order was stayed by this Court subject to the 75% decretal amount being deposited.

5. It is now stated by the counsel for respondents, that they are the parents of the deceased and the deceased was the only son of the respondents and was only earning member of the family.

6. The father of the deceased, Mr. Ram Kirpal Yadav, is 75 years of age and the mother, Smt. Neelam Yadav, is 68 years of age and are requesting the Court to release the decretal amount during the fag end of their lifetime, on furnishing sufficient security.

7. Counsel for the applicants/respondents' states that they are willing to provide a charge on the residential home that they are residing in, namely, *L-32/40, Gali No.40, L-Block, Sadatpur Extension, Pusta Area, Delhi-11 0094.*

8. Counsel for MCD points out to the reply that they have filed and states that their appeal would become infructuous if the said amount is released.

9. However, in the opinion of this Court, considering these circumstances as noted above, the application is allowed and the decretal amount deposited may be released along with interest, subject to the respondents' furnishing the said security to the satisfaction of the Registrar General of this Court.

10. Application is disposed of with the above directions.

RFA 502/2022

1. List before the Registrar on 07th April 2025.
2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 25, 2025/MK/na