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

+ **LA.APP. 101/2021**

UNION OF INDIA

.....Appellant

Through: Mr. Sanjay Kumar Pathak, SC with
Mr. Sunil Kumar Jha & Mr. M.S.
Akhtar, Advocates.

versus

SMT. USHA MATHUR & ORS.

.....Respondents

Through: Mr. M.C. Verma, Adv. for R-1 & 2.
Ms. Latika Mlahotra, Panel Counsel
with Mr. Kuljeet Singh, Advocate for
R-3/DDA.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **03.12.2024**

CM APPL. 70557/2024 [Under Section 151 of the CPC]

1. This is an Application filed on behalf of Respondent Nos.1 and 2 seeking release of enhanced compensation/decretal amount lying before the Reference Court.
2. Learned Counsel for the Appellant and Respondent No.3/DDA submits that they do not wish to file any Reply to the present Application and the amounts may be released in favour of the Respondent Nos.1 and 2 subject to furnishing of adequate security.
3. 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) The 50% of the enhanced compensation shall be released to Respondent Nos.1 and 2 on furnishing an indemnity bond with an undertaking by way of an affidavit. The affidavit shall set out that in the event the Appellant succeeds in the present Appeal, Respondent Nos.1 and 2 shall repatriate the compensation so released back to the Appellant;

(ii) The remaining 50% of the compensation shall be released to Respondent Nos.1 and 2 on furnishing of an adequate security to the satisfaction of the Registrar General of this Court.

4. The Application is disposed of in the foregoing directions.

LA.APP. 101/2021

5. Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

6. 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.

6.1 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.

7. List along with LA APP. 37/2020 captioned ***Union of India vs. Pradeep Mathur & Anr.*** in the category of Regulars.

TARA VITASTA GANJU, J

DECEMBER 3, 2024/ ha

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