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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **RFA 971/2019**  
**KUNWAR PAL SHASHTRI**

..... Appellant

Through : Counsel for the appellant appearance  
not given.

versus

**ROHTASH & ANR**

..... Respondents

Through : None.

**CORAM:**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

% **15.11.2019**

**CM APPL.No.49246/2019**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**RFA 971/2019 & CM APPL.No.49425/2019**

The suit for recovery of ₹ 8,00,000/- has been decreed in favour of the respondent along with interest and against the appellant herein vide the judgment dated 25.07.2019.

It is the case of the appellant that the respondent was running a Committee and the appellant as also his father-in-law were its members and the accounts of the said committee were settled between the parties on 28.03.2013 and further except for the said amount, no other amount was due, per note dated 18.01.2013 as no other money transaction ever took place between the respondent and the appellant herein.

It is the submission of the appellant the receipt dated

20.03.2013 was issued by the respondent no.1 herein stating interalia apart from the committee there is nothing to be taken or given and the account of the said committee was thus settled on payment of ₹ 2,00,000/-, received by respondent upto 20.03.2013. The respondent has deposited the amount of Committee have been cleared by the appellant herein.

Nevertheless the learned Trial Court was of the view the transaction viz. pronote dated 18.01.2013 exhibited as Ex.PW1/1 doesnot relate to the transaction of the committees and hence passed a decree against the appellant herein.

Subject to the appellant's depositing 1/3<sup>rd</sup> of decretal amount with the Registrar General of this Court within six weeks from today, operation of the impugned judgment and decree shall remain stayed during pendency of the appeal and in the meanwhile issue notice to the respondent through all modes returnable on 16.03.2020. The amount so deposited be kept in an interest bearing FDR, initially for a period of one year with an automatic renewal clause.

Order *dasti*.

**YOGESH KHANNA, J.**

**NOVEMBER 15, 2019**

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