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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 247/2010**

SPARROW TECHNOLOGIES LTD Appellant

Through None

versus

ARCON ELECTRO PLAST PVT LTD Respondent

Through Mr. Ravinder P. Kumar, Director of
the respondent and Mrs. Savita
Kumar/surety

+ **RFA 445/2008**

SPARROW TECHNOLOGIES LTD. Appellant

Through None

versus

RAVINDER P.KUMAR Respondent

Through Respondent in person alongwith Mrs.
Savita Kumar/ Surety

CORAM:

SH. DINESH KUMAR SHARMA, REGISTRAR GENERAL

ORDER

% **11.10.2018**

The case is listed on office note.

Vide orders dated 01.05.2014, the Hon'ble Court has observed as under:-

“Under the circumstances, it is directed that the decretal amounts deposited by the appellant in both the appeal, along with interest, be released to the respondent/ applicant upon him furnishing adequate security to the satisfaction of the Registrar General of this Court, inter alia, by way of deposit of title deeds, besides a personal guarantee to be given by the respondent. The matter shall be duly examined by the Registrar General, after completing all necessary formalities in that behalf. The Registrar General is requested to expedite the matter as far as possible.”

Subsequently, vide order dated 08.07.2014, the Hon'ble Court inter alia observed as under:-

“These applications have been moved by the respondent seeking review of the order passed by this Court on

01.05.2014. In substance, the applicant is seeking permission for release of the decretal amount in both the appeals without any security whatsoever. All relevant aspects of the matter had been fully examined in the aforesaid order of 01.05.2014 and I see no ground to entertain these applications.

The applications is without merits and are therefore dismissed.”

As per office report, Rs. 12,58,663/- has been deposited in RFA 247/2010 and Rs. 8,32,430/- has been deposited in RFA 445/2008.

In compliance of the above said direction, Mrs. Savita Kumar/ surety has filed security bonds for and on behalf of the respondent for the release of the 12,58,663/- in RFA 247/2010 and Rs. 8,32,430/- in RFA 445/2008. Respondent has also filed affidavita cum personal bonds in compliance of the above directions of the Hon’ble Court.

As security, respondent has furnished Joint Sale Deed dated 07.12.2011 for consideration of a sum of Rs.1,10,00,000/- registered in the name of Mr. Ravinder P. Kumar, respondent and his wife Ms. Savita Kumar/surety in respect of property bearing H. No. 1212, measuring 175.5 sq. mtrs. (209.898 Sq. Yds) having its covered area 2935 sq. ft situated in the residential colony known as Sector -15, Part-II, Urban Estate Gurgaon, Teh. & Distt. Gurgaon which was registered vide registration No.25411, Vol. No.1, Book No.12981, page No.136 with Sub Registrar, Gurgaon, Haryana, as security.

Respondent has placed on record report issued by Sub Division Magistrate, Gurugram (North), Haryana along with report of Tehsildar, Gurugram, Haryana, wherein it has been mentioned that the property of the respondent and surety is come under Sector-15, as per circle rate the value of the property is Rs.94,05,000/- and there is no encumbrance on the property.

Respondent and surety submitted that the market value of the abovesaid property is more than Rs.1,00,00,000/- and the abovesaid property is as on date is free from all encumbrances and there is no lien or charge or pending court

litigation on the above said property. They stated that the aforesaid property is in their physical possession and they have neither alienated or created any tenancy on the same and not furnished it as security in favour of anyone and the said property is not a subject matter of any litigation in any court in India. They further undertake that they shall not sell, alienate, transfer or part with the possession of the said property or create any third party interest on the same without the leave of the Hon'ble Court.

Statement of Mr. Ravinder P Kumar respondent in RFA No.445/2008 and one of the Director in RFA No.247/2010 and Mrs. Savita Kumar/surety have been recorded separately to this effect. Original sale deed has been returned to them after making necessary endorsement.

In view of the above security bonds of the surety and affidavit cum personal bonds of the respondent are found to be in order and hereby accepted.

Deputy Registrar concerned is directed to send a communication to the concerned Sub-Registrar and SDM that the above said property has been furnished as security in these cases and necessary entry be made in their records and obtain a compliance reports to this effect forthwith.

Registrar (B&A) is directed to release the amount to the respondent in terms of orders dated 01.05.2014 and 08.07.2014 passed by the Hon'ble Court after due identification and receipt.

**DINESH KUMAR SHARMA
REGISTRAR GENERAL**

OCTOBER 11, 2018

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