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

+ **LA.APP. 65/2019**

UNION OF INDIA

..... Appellant

Through

Mr. Sanjay Kumar Pathak, Adv.
(Physical Mode)

versus

RAM ASHRE (DECEASED) THR LRS & ORS Respondent

Through

Mr. Sushil Kumar, Adv. for R-1 (a),
2 (a to d), 3 (a to c) and 4 (a)
Mr. Arun Chaudhary, Adv. for R-1(a)
(Virtual mode)

CORAM:

MANOJ JAIN, REGISTRAR GENERAL

ORDER

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03.03.2022

1. Respondent No.1(a)/Prithvi Raj has now come up with new surety. I have seen the documents furnished by him in this regard wherein he has prayed that the property of his two new sureties i.e. Smt. Gyanwati and Smt. Suman Lata may be considered. Let separate security bonds alongwith affidavits be furnished on requisite stamp papers. Such security bond would also, inert-alia, contain the following details:-

- (i) Nature of user of such land/property sought to be furnished as security with address, its coloured photograph and printout showing its present geolocation with coordinates.
- (ii) Complete description of the property/land furnished as security.
- (iii) Status of the physical possession of such land/property.



- (iv) The exact value of the property as per the circle rate.
- (v) Undertaking not to sell, alienate, transfer or part with the possession of the aforesaid property/land or create any third party interest on the same without the leave of the Court.

2. Learned counsel for the respondents are also directed to file additional affidavit of the respondent clearly specifying therein the following:-

- (i) Proportion of share alongwith amount to be released to respective respondents.
- (ii) Undertaking in terms of order dated 22.10.201 passed by the Hon'ble Court that respondent shall restore the amount with interest (to be determined at the final hearing of the appeal) in case appellant succeeds in the appeal.

3. Learned counsel for the respondent No.1(a) submits that Smt. Gyanwati/surety and Smt. Suman Lata/surety on behalf respondent No.1(a) has offering their following property/land as security:-

- (i) Property bearing Khasra No.103/113, Musth No.6, Kila No.23 (7-2), 24/1(2-19), kita part to area 10 Kanal 8 Marle 2/3 part, Rkba-06 Kanal 18 Marle situated at Moja Kodla, Tehsil-Hodal, District-Palwal, Haryana registered vide sale deed dated 30.01.2019, registration No.5160, Book No.1, Jild No.7, Page No.57 and additional Book No.1, Jild No.149, page Nos.76 to 78 with Sub Registrar, Hodal, Haryana in the name of Ms. Gyanwati.
- (ii) Property comprising in Khewat No.234/203, Khautni No.240, Mu.No.21, Killa No.24/2 (2-3) and Mu. No.24, Killa No.4(5-10) 187 (2-0), Kita-3, Rakba 9 Kanal 13 Marla 60/1737 part bakdar 0 kanal 6, Marla 6 Sarsai means 200 Sq. Yards situated at Shiwana



Mouza, Gadouli Khurd, Sub-Tehsil Kadipur, Gurgaon, Haryana registered vide sale deed dated 05.02.2019 registration No.7548, Book No.1, Jild No.200, page No.137 and additional copy on Book No.1, Jild No.303, Page Nos.26 to 28 with Sub-Registrar, Kadipur, Haryana in the name of Ms. Suman Lata.

(iii) Property bearing Khewat No.295/234, Khautni No.307, Mu. No.21, Killa No.24/2 (2-3) and Mu. No.24, Killa No. 4(5-10), 187 (2-0), Kita-3, Rakba 9 kanal 13 Marla 60/1737 part bakdar 0 kanal 6 marla 6 sarsai means 200 sq. Yards situated at Shiwana Mouza, Gadouli Khurd, Sub-Tehsil Kadipur, Gurgaon, Haryana registered vide sale deed dated 01.01.2020 registration No.11798, Book No.1, Jild No.217, Page No.191.5 and additional copy Book No.1, Jild No. 796, Page Nos.81 to 82 with Sub Registrar, Kadipur, Haryana in the name of Ms. Suman Lata.

(iv) Mukhtyarnama Khas and revenue records in respect of the properties mentioned at Serial No.ii and iii above.

4. There is no appearance on behalf of the respondent No.6/DDA. It is noticed that on 10.12.2021, learned counsel for the respondent No.6/DDA had undertaken to file additional affidavit specifying the proportionate share of all the concerned respondents to whom the amount is required to be disbursed, so that it can be assessed whether the security being tendered by the respondent is good enough to take care of the amount in question or not. One more opportunity is granted to respondent No.6/DDA to file such additional affidavit.

5. Learned counsel for the appellant shall also apprise this court about such proportionate share.

6. To expedite the matter, let court notice be issued to the concerned SDM and Sub-Registrar, through physical mode also, to submit report with regard



to ownership, valuation, physical possession, encumbrances, if any, on the aforesaid properties sought to be furnished as security. The registry is directed to annex the copies of the relevant documents of sale deed etc. along with the court notice.

7. Renotify on 24.03.2022.

(MANOJ JAIN)
REGISTRAR GENERAL

MARCH 3, 2022

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