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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 and Mr.
Sushil Kumar Jha, Advs.

versus

RAM ASHRE (DECEASED) THR LRS & ORS Respondent

Through: Mr. Prashant Singh, Adv. for R-2(a),
2(c), 2(d), 3(a), 3(c) and 4(a)
R-1(a) in person
R-2(d) and 4(a) in person
Ms. Meghna Sankhla and Ms. Hima,
Advs. For R-6/DDA

CORAM:

REGISTRAR GENERAL SH. RAVINDER DUDEJA

ORDER

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14.02.2023

1. Vide order dated 22.10.2021, the Hon'ble Court has, *inter alia*, passed the following order:-

“.....

4. Accordingly, it is directed that the amount deposited by the respondent no.6/DDA before this Court be released to the applicants/respondents, subject to the applicants/respondents furnishing adequate security to the satisfaction of the Registrar General of this Court. The applicants/respondents to also furnish an undertaking that they shall restore the amount with interest (to be determined at the final hearing of the appeal) in case the appellant succeeds in the appeal.....”



2. As per office report, an amount of Rs.1,84,30,162/- is lying deposited by the appellant and the same has been invested in the FDR.

3. Learned counsel for appellant has placed on record the copy of Enhanced Naksha Muntjamin alongwith the shares of the respondents in the deposited amount. As per the appellant/UOI the respondents are entitled to the following shares in the deposited amount:-

(i)	Prithvi Raj (R-1a)	-	Rs.93,28,244.34
(ii)	Neelam (R-2a & 3a)	-	Rs.8,44,072.89
(iii)	Nisha (R-2b & 3b)	-	Rs.8,44,072.89
(iv)	Manju (R-2c & 3c)	-	Rs.8,44,072.89
(v)	Pradeep (R-2d & 4a)	-	Rs.17,94,842.59
(vi)	Ram Mehar (R-5)	-	Rs.47,74,855.95

4. For the release of the deposited amount no security bonds and securities have been furnished by respondent Nos.2(b) & 3(b)/Nisha and by respondent No.5/Ram Mehar. Security bonds and securities have been furnished by respondent No.1(a)/Prithvi Raj, respondent No.2(a) & 3(a)/Neelam, respondent No.2(c) & 3(c)/Manju, and respondent No.2(d) & 4(a)/Pradeep.

Consideration of the security bonds and securities furnished by respondent No.1(a)/Prithvi Raj, respondent No.2(a) & 3(a)/Neelam, respondent No.2(c) & 3(c)/Manju

5. Ms. Gyanwati and Ms. Suman Lata have stood surety for respondent No.1(a)/Prithvi Raj, Mr. Virender Singh has stood surety for respondent No.2(a) and 3(a)/Neelam, Ms. Geeta Sharma has stood surety for respondent No.2(c) and 3(c)/Manju and as security they have furnished their following lands for the release of the respective share of respondent No.1(a)/Prithvi Raj, respondent Nos.2(a) and 3(a)/Neelam and respondent Nos.2(c) and



3(c)/Manju in the deposited amount:

Ms. Gyanwati/surety for respondent No.1(a)/Prithvi Raj

- (i) Land bearing Khasra No.103/113, Musth No.6, Kila No.23 (7-9), 24/1(2-19), kita part to area 10 Kanal 8 Marle 2/3 part, Rakba-06 Kanal 19 Marle situated at Moja Kodla, Tehsil-Hodal, District-Palwal, Haryana registered in her favour vide sale deed dated 30.01.2019 having 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 (copy of sale deed placed on record).

Ms. Suman Lata/surety for respondent No.1(a)/Prithvi Raj

- (ii) Land in Khewat No.234/203, Khatoni 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 in her favour vide Sale Deed dated 05.02.2019 having 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. (copy of sale deed placed on record).
- (iii) (ii) Land in Khewat No.295/234, Khatoni 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 in her favour vide Sale Deed dated 01.01.2020 having 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. (copy of sale deed placed on record).



Mr. Virender Singh/surety for respondent No.2(a) and 3(a)/Neelam

- (i) 1/6th share i.e 6 kanal 10 marle (3932 sq. yds.) in the land comprising in Khewat No.1189/979, Khatoni No.1305, Rect. No.126//Kila No.6/2 (6-4), 7/2(2-15), 14/1(0-19), 15/1(1-16), Rect. No.127//Killa No.10/2/5(0-8), Rect. No.144//Killa No.3/2(3-16), 8(8-0), 13(8-0), 18(7-4) total 9 Kitte land measuring 39 Kanal 2 Marle situated in Village Barhana, Tehsil Beri, District Jhajjar, Haryana. (copy of revenue record placed on record)

Ms. Geeta Sharma/surety for respondent No.2(c) and 3(c)/Manju

- (i) 1/3rd share i.e. 2 kanal 13.33 marla in the agricultural land comprising in khevat No.712/736 (earlier Khevat No.669/692), Mustasil No.39, Kila No.5 (8-0), area Kita-01 08 Kanal, 00 Marla situated in Waka Siwana Village Khor, Tehsil Patuadi, District Gurugram, Haryana registered in her favour vide Transfer deed having registration No. 1952, Book No.1, Vol. No.194, Page Nos.183.5 and additional copy in additional book No.1 Vol.1440 page Nos.49 to 51 on 22.11.2018 with Sub Registrar, Pataudi. (copy of transfer deed placed on record)

6. Report qua the aforesaid lands/properties furnished as security by the respective sureties for the release of the deposited amount to the respective respondents No.1(a)/Prithvi Raj, respondent No.2(a) & 3(a)/Neelam, respondent No.2(c) & 3(c)/Manju were called from the concerned revenue authorities and following reports were received.

Report in respect of land/property furnished as security by Ms. Gyan Wati for respondent No.1(a)/Prithvi Raj

- (i) As per report, Ms. Gyan Wati is the owner and in possession of 2/3rd share i.e. 6 Kanal 19 Marla in the Land bearing Khasra No.103/113, Musth No.6, Kila No.23 (7-9), 24/1(2-19), kita part to area 10 Kanal 8 Marle 2/3 part, Rakba-06 Kanal 19 Marle situated at Moja Kodla, Tehsil-Hodal, District-Palwal, Haryana



furnished as security by her and as per the revenue record the value of her share is Rs.17,37,500/- and the land is free from all type of encumbrances.

Reports in respect of lands/properties furnished as security by Ms. Suman Lata for respondent No.1(a)/Prithvi Raj

- (i) As per report, Ms. Suman Lata is the owner of land/plot 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 vide sale deed dated 05.02.2019 registered vide 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; As per the prevailing market value, the value of the aforesaid land/plot is worth Rs.50,00,000/-; there is no encumbrance on the aforesaid land/plot and the land/plot is vacant and the same is in the possession of Ms. Suman Lata.
- (ii) Ms. Suman Lata is also the owner of land/plot 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 vide sale deed dated 01.01.2020 registered vide 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; As per the prevailing market value, the value of the aforesaid land/plot is worth Rs.50,00,000/-; there is no encumbrance on the aforesaid land/plot and the aforesaid land/plot is vacant and the same is in the possession of Ms. Suman Lata.

Reports in respect of land/property furnished as security by Mr.



Virender for respondent No.2(a) and 3(a)/Neelam

- (i) As per report and revenue record, Mr. Virender Singh is the owner of 1/6th share i.e 6 kanal 10 marle (3932 sq. yds.) in the agricultural land measuring 39 Kanal 2 Marle comprising in Khewat No.1189/979, Khatoni No.1305, Rect./Khasra No.126//Kila No.6/2(6-4), 7/2(2-15), 14/1(0-19), 15/1(1-16), Rect./Khasra No.127//Killa No.10/2/5(0-8), Rect. No.144//Killa No.3/2(3-16), 8(8-0), 13(8-0), 18(7-4) situated in Village Barhana Tehsil Beri District Jhajjar. The market value of the 1/6th share of Mr. Virender Singh is Rs.20,00,000/- and as per circle rate the value of the share of Mr. Virender Singh is Rs.16,00,625/-; there is no encumbrance on the aforesaid share of Mr. Virender Singh and the same is in his physical possession and used for the purpose of agriculture.

Reports in respect of land/property furnished as security by Ms. Geeta for respondent No.2(c) and 3(c)/Manju

- (i) As per report, Ms. Geeta w/o Ms. Ajay Kumar s/o Chotu Ram is the owner of 1/3rd share i.e. 2 Kanal 13.33. marla in the agricultural land comprising in khevat No.712/736 (earlier Khevat No.669/692), Mustasil No.39, Kila No.5 (8-0), area Kita-01 08 Kanal 00 Marla situated in Waka Siwana Village Khor, Tehsil Patuadi, District Gurugram, Haryana vide transfer deed executed by Mr. Ajay Kumar in favour of Ms. Geeta which is registered vide registration No. 1952, Book No.1, Vol. No.194, Page Nos.183.5 and additional copy in additional book No.1 Vol.1440 page Nos.49 to 51 on 22.11.2018 with Sub Registrar, Pataudi. As per the prevailing market value of the share of Ms. Geeta the same is worth Rs.23,00,000/-; there is no encumbrance on the aforesaid agricultural land and the aforesaid agricultural land is vacant and Ms. Geeta is in possession of her 1/3 share in the agricultural land.

7. Respondent Nos.1(a)/Prithvi Raj, respondent Nos.2(a) and 3(a)/Neelam, respondent Nos.2(c) and 3(c)/Manju prays that their security



bonds and the securities furnished on their behalf by the respective sureties be accepted. It is further submitted by the aforesaid respondents that they have also furnished the necessary undertakings regarding restoring the amount with interest (to be determined at the final hearing of the appeal) in case appellant succeeds in the appeal in terms of order of the Hon'ble Court dated 22.10.2021. Statements of the aforesaid respondents as well as the statements of their respective sureties have been recorded separately in respect of the aforesaid lands/properties furnished by them as security for the release of their respective shares in the deposited amount. The aforesaid respondents and their respective sureties have also been identified by their counsel and the original sale deed/transfer deeds of the aforesaid properties furnished as security by the respective sureties have been returned to them after making necessary endorsements.

8. On the basis of the lands/properties furnished as security by the respective sureties for and on behalf of aforesaid respondents, reports of revenue authorities regarding its ownership, valuation, encumbrances and possession and their statements in this regard, statements given by the aforesaid respondents and their respective sureties alongwith necessary undertaking in terms of order dated 22.10.2021 passed by the Hon'ble Court, it is evident and apparent that the value of aforesaid lands/properties furnished as security by the aforesaid sureties for the release of the amount to the respondent Nos.1(a)/Prithvi Raj, respondent Nos.2(a) and 3(a)/Neelam, respondent Nos.2(c) and 3(c)/Manju is sufficient to secure the amount to be released to them.

9. I may also point out here that no objection has been filed by the opposite parties with respect to the lands/properties offered as security by



aforesaid respondents.

10. In view of the aforesaid, the security furnished by respondent Nos.1(a)/Prithvi Raj, respondent Nos.2(a) and 3(a)/Neelam, respondent Nos.2(c) and 3(c)/Manju are hereby accepted subject to the condition that they will restore the amount with interest (to be determined at the final hearing of the appeal) in case appellant succeeds in the appeal, failing which such amount shall be liable to be recovered by the Court by putting the aforesaid lands/properties furnished as security by them on sale and they or the respective sureties will not be permitted to protest the same on any ground whatsoever.

11. The Deputy Registrar concerned is directed to send a communication to the concerned Sub-Registrar and SDM through physical mode as well through electronic mode that the aforesaid lands/properties furnished as security by the aforesaid, namely, Ms. Gyanwati, Ms. Suman Lata, Mr. Virender and Ms. Geeta Sharma for and on behalf of the respondent No.1(a)/Prithvi Raj, respondent No.2(a) & 3(a)/Neelam, respondent No.2(c) & 3(c)/Manju in this case and necessary entry be made in their records and to obtain a compliance report to the said effect forthwith.

12. Registrar (B&A) is directed to release the amount to respondent Nos.1(a)/Prithvi Raj, respondent Nos.2(a) and 3(a)/Neelam, respondent Nos.2(c) and 3(c)/Manju in terms of order dated 22.10.2021 passed by the Hon'ble Court as per their respective shares after due verification and receipt.

Consideration of the security bond and security furnished by respondent Nos.2(d) and 4(a)/Pradeep

13. Report qua the property furnished as security by Mr. Amit Sharma/surety on behalf of respondent No.2(d) and 4(a)/Pradeep was



received as recorded in order dated 14.12.2022. As per the report, the value of property is Rs.13,19,360/-. However, as per the report submitted by the appellant/UOI pertaining to the shares of the respondents in the deposited amount, the share of respondent Nos.(2d) and 4(a)/Pradeep is Rs.17,94,842.59.

14. Learned counsel for the respondent submits that time be given to aforesaid respondent for furnishing additional security in respect of the remaining amount.

15. At request, renotify on 20.03.2023.

RAVINDER DUDEJA
REGISTRAR GENERAL

FEBRUARY 14, 2023

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