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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.APP. 65/2019

UNION OF INDIA

..... Appellant

Through: Ms. Musarrat Benazeer Hasmi for Mr.
Sanjay Kumar Pathak, Adv.

versus

RAM ASHRE (DECEASED) THR LRS & ORS Respondent

Through: Mr. Sushil Kumar, Adv. for LR's of
deceased R-2 alongwith Mr.
Pradeep/R-2(D)/4(A) and Mr. Amit
Sharma/Surety
(Through Physical)
Ms. Meghna, Adv. for R-6/DDA
(Through VC)

CORAM:

REGISTRAR GENERAL KANWAL JEET ARORA

ORDER

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09.02.2024

CM No.2942/2024

1. The Hon'ble Court vide orders dated 22.10.2021 and 08.12.2023 has,
inter alia, directed as under:-

22.10.2021

"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."

08.12.2023

"C.M. APPL. 24368/2023

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2. By this application, applicants- respondent nos. 2D and 4A seek withdrawal of release of amount of Rs.13,19,360/- to the extent they have furnished security. The said amount is lying deposited with the Registrar General of this Court. Learned counsel for the appellant has no objection qua the prayer made in this application.

3. The application is allowed and Registrar General is directed to release the aforesaid amount in favour of the applicants-respondent nos. 2D and 4A within a period of 4 weeks from today upon satisfaction of the fact of security.....”

2. For the purposes of getting the amount released in favour of respondent No.2(d)/4(a)/Pradeep in terms of the aforesaid orders of the Hon’ble Court, Mr. Amit Sharma has stood surety and has filed his security bond, affidavit/NOC and undertaking for and on behalf of the respondent No.2(d)/4(a)/Pradeep.

3. As security, the surety has furnished his property bearing *Plot No.8, situated in colony Kila Mohalla, Khirki Darwaza, Bahadurgarh, Haryana, admeasuring 138.88 sq. yds. transferred in his favour vide registration No.9983, in book No.1, Vol. No.1 dated 27.12.2021 registered with Sub-Registrar, Bahadurgarh.* His statement as well as the statement of respondent 2(d)/4(a)/Pradeep have also been recorded separately qua furnishing the aforesaid property as security in this case for the release of the amount of Rs.13,19,360/- in favour of Mr. Pradeep/R-2(d)/4(a). They have also been identified by their counsel.

4. The verification report in respect of the aforesaid property furnished as security by the surety was also called from the concerned revenue authorities and report dated 13.12.2022 was received in this court whereby the value of the aforesaid property of the surety has been assessed by the concerned revenue authorities to be Rs.13,19,360/-. Further the revenue authorities have



also reported that the surety/Amit Sharma is the owner of the aforesaid property; the same is free from all encumbrances and the same is in his the physical possession.

5. Apparently, the revenue authorities have assessed the value of the property of the surety to be Rs.13,19,360/- and as per the order of the Hon'ble Court dated 08.12.2023 an amount of Rs.13,19,360/- is only to be released to the respondent No.2(d)/4(a)/Pradeep as the value of the property furnished as security by the surety/Amit Sharma is to that extent only. Therefore, I am satisfied that the property furnished as security by surety is sufficient to secure the said amount to be released to respondent Nos.2(d)/4(a)/Pradeep.

6. Therefore, having regard to the statement of the surety/Amit Sharma, respondent No.2(d)/4(a)/Pradeep and the report of the revenue authority, the security furnished by Mr. Amit Shama/surety for and on behalf of respondent No.2(d)/4(a)/Pradeep is hereby accepted for the release of the amount of Rs.13,19,360/- subject to the condition that respondent No.2(d)/4(a)/Pradeep shall refund the amount to this court alongwith interest as per order of the Hon'ble Court in the event of the appeal succeeding, failing which such amount shall be liable to be recovered by the Court by putting the aforesaid property furnished as security by the surety on sale and he or his successor will not be permitted to protest the same on any ground whatsoever. *The original transfer deed has been returned to Mr. Amit Sharma/Surety after making necessary endorsement.*

7. The Deputy Registrar concerned is directed to ensure that a communication in this regard is sent to the concerned Sub-Registrar and SDM by all modes as well through electronic mode that the aforesaid property of Mr. Amit Sharma/surety has been furnished as security in this case and



necessary entries be made in their records and also to ensure that compliance report to the said effect is obtained forthwith.

8. In view of the above, Registrar (B&A) is directed to remit the amount of Rs.13,19,360/- to the bank account of respondent No.2(d)/4(a)/Pradeep in terms of order dated 22.10.2021 and 08.12.2023 passed by the Hon'ble Court after due verification and receipt. The details of the bank account of respondent No.2(d)/4(a)/Pradeep is provided in his statement.

9. The application stands disposed of.

LA (A) No.65/2019

10. Learned counsel for LR's of respondent No.2 submits that the interest amount is also to be released to respondent No.2(a)/3(a), namely, Neelam and respondent No.2(c)/3(c), namely, Manju, in terms of order dated 08.12.2023 passed by the Hon'ble Court in CM No.20878/2023. It is further submitted by him that the deposited amount has already been released by the registry to the aforesaid respondents against sound securities of much higher value in terms of the orders of the Hon'ble Court dated 22.10.2021 and as the interest amount which is now to be released to the aforesaid respondents is nominal, the same may now be released to the aforesaid respondents against the same security earlier furnished by them for the release of the deposited amount.

11. Record reveals that this court has already directed the release of the deposited amount to the respondent No.2(a)/3(a), namely, Neelam and respondent No.2(c)/3(c), namely, Manju vide order dated 14.02.2023 albeit without interest in terms of the order of the Hon'ble Court dated 22.10.2021 and now the respondents have taken fresh order dated 08.12.2023 from the Hon'ble Court for the release of their share in the interest amount lying deposited in this court on furnishing adequate security.



12. Reports from the Budget and Accounts branch have been received, whereby, it is revealed that an amount of Rs.8,44,072/- each has been already released to the aforesaid respondents in terms of the order of this court dated 14.02.2023. Report further reveals that at present interest amount of Rs.1,07,579.30 each is lying deposited in this court qua respondent No.2(a)/3(a), namely, Neelam and respondent No.2(c)/3(c), namely, Manju.

13. From the record, it is apparent that the earlier security furnished by the respective sureties i.e. Mr. Virender Singh and Ms. Geeta for and on behalf of respondent No.2(a)/3(a), namely, Neelam and respondent No.2(c)/3(c), namely, Manju, have been valued by the concerned revenue authorities to Rs.16,00,625/- and Rs.23,00,000/- respectively, which is way higher than the amount already released to them and the same securities can be easily accepted even for the release of the interest amount of Rs.1,07,579.30 each to them. As such, I have no hesitation in releasing the interest amount to the aforesaid respondents against their earlier furnished securities already accepted by this court vide order dated 14.02.2023.

14. Registrar (B&A) is also directed to release the interest amount to respondent No.2(a)/3(a), namely, Neelam and respondent No.2(c)/3(c), namely, Manju in terms of order of the Hon'ble Court dated 08.12.2023 as per their respective shares after due verification and receipt.

KANWAL JEET ARORA
REGISTRAR GENERAL

FEBRUARY 9, 2024

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Click here to check corrigendum, if any