

\$~

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

+ RFA 185/2016

ABDUL HAKIM

Through Appellant
Ms. Savita Rustogi and Mr. Rahul
Sharma, Advs.

versus

MUSTAQEEM

Through Respondent
Mohd. Sajid, Adv. along with Mohd.
Shabbir/surety
Mr. Chandan Lal, Senior Assistant in
the office of Sub-Registrar-IV,
Seelampur, District NE, Delhi.
Mr. Sudershan Kumar, Reader,
SR-IV(A), Shahdara.

+ RFA 278/2016

ABDUL HAKIM

Through Appellant
Ms. Savita Rustogi and Mr. Rahul
Sharma, Advs.

versus

MOHD MUSTAQEEM

Through Respondent
Mohd. Sajid, Adv. along with Mohd.
Shabbir/surety

CORAM:

SH. DINESH KUMAR SHARMA, REGISTRAR GENERAL

ORDER

%

20.09.2018

RFA 185/2016

Vide orders dated 31.01.2018 and 12.03.2018 the Hon'ble Court has
interalia observed as under:-

“31.01.2018

Despite pass over, none has appeared for the appellant. The amount is directed to be released in favour of Respondent subject to his furnishing security to the satisfaction of Registrar General of this Court.”

“12.03.2018

Be that as it may, this appeal is of 2016 and the release of the amounts to the Respondents shall be subject to the Respondent furnishing adequate security. So, Appellant’s interest has also been adequately safeguarded. Let the order dated 31st January, 2018 be given effect to subject of final orders in the appeal and subject to furnishing security as directed. List before the Registrar General for release of amount in favour of the respondent, as per order dated 31st January, 2018.”

As per office report appellant has deposited the amount in RFA No.185/2016 and the same has been invested in the FDR.

In compliance of orders dated 31.01.2018 and 12.03.2018 of the Hon’ble Court, Mohd. Shabbir/surety has furnished security bond dated 16.04.2018 for and on behalf of respondent and an additional affidavit dated 10.09.2018 regarding the clarification that the property bearing No.1060, Gali No.8, Chauhan Bangar, New Seelam Pur, Delhi-53 is situated in Khasra No.202, Chauhan Bangar, New Seelam Pur, New Delhi having area 62 sq. yds. for the release of the amount to the respondent.

As security, surety has furnished original sale deed of property measuring 62 sq. yds. situated in Khasra No.202, Ghonda Chauhan Bangar, New Seelam Pur, New Delhi registered vide registration No.3310, Volume No.75, Book No.1 on pages 44 to 45 on 22.05.1969 in his favour with Sub Registrar-IV, Seelampur, Delhi. Surety states that the value of the abovesaid property is not less than Rs.38,00,000/- and the abovesaid property as on date is free from all encumbrances, there is no lien or charge or pending court litigation on the above said property and that the above said property is in his physical possession, neither

alienated or created any third party interest on the same and not furnished it as security in favour of anyone.

He further undertakes that he 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 and in the event the appellant succeeds in the appeal, respondent shall re-deposit the amount as ordered, failing which the amount can be recovered by the Hon'ble Court by putting my property to sale and he will not protest against any such move on any ground whatsoever.

He also states that the correct name of his father is Abdul Basir Ahmed however, inadvertently in the above said sale deed the name of his father is mentioned as Abdul Basir, whereas in his aadhar card it is mentioned as Basir Ahmed and the above said property was given as surety before the Magistrate in the year 1982 and 1994 but the said cases have already been disposed off, and as per his knowledge, the record of the said cases has already been destroyed and hence now there is no encumbrance on the above said property.

Learned counsel for the appellant very fairly submits that they do not have any objection, if the surety furnished by the respondent is found to be sufficient and sound. She further submits that the amount be released to the respondent in terms of orders dated 31.01.2018 and 12.03.2018 of the Hon'ble Court.

Mr. Chandan Lal, Senior Assistant in the office of Sub-Registrar-IV, Seelampur, District North East, Delhi has brought report dated 19.09.2018 issued by Mr. N.K. Meena, Sub-Registrar-IV, Seelampur, District North East, Delhi, and submits that property measuring 62 sq. yds, out of Khasra No.202 situated at Village Ghonda Chauhan Bangar, Illaqa Shahdara Delhi has been registered vide registration No.3310, Volume No.75, Book No.1 on pages 44 to 45 on 22.05.1969 in favour of Mohd. Sabbir s/o Shri Abdul Basir and as per records available in the office no encumbrance has been found on the above said property.

A valuation report dated 02.08.2018 has also been furnished by Mr. N.K. Meena, Tehsildar (Seelampur), Delhi wherein the value of the property sought to be furnished as security has been assessed at Rs.38,93,340/-.

In view of the surety bond and additional affidavit furnished by the surety for and on behalf of the respondent and no objection given by the counsel for the appellant surety bond and additional affidavit furnished are hereby accepted. Let the statements be recorded accordingly.

Statements of Mohd. Shabbir/surety, Mr. Chandan Lal, Senior Assistant in the office of Sub-Registrar-IV, Seelampur, District North Easti, Delhi have been recorded separately.

In view of the above, Registrar (B&A) is directed to release the amount to the respondent in terms of orders dated 31.01.2018 and 12.03.2018 of the Hon'ble Court after due identification and receipt.

Deputy Registrar concerned is directed to keep the original sale deed of above said property in his safe custody and send a communication to the concerned Sub-Registrar and SDM that the aforesaid property has been furnished as security in this case and necessary entry be made in their records and obtain a compliance reports to this effect forthwith.

DINESH KUMAR SHARMA
REGISTRAR GENERAL

SEPTEMBER 20, 2018

ss