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

+ **RFA 185/2016 & CM APPL. 210/2025**

ABDUL HAKIM

.....Appellant

Through: Mr. Rahul Mishra, Mr. J.K. Tiwari,
Mr. Shubham Yadav and Mr. Iftikhar
Alam, Advs. for applicants
Ms. Savita Rustogi and Mr. Ashu
Tewathia, Advs.

versus

MUSTAQEEM

.....Respondent

Through: Mr. M.S. Khan, Mr. Yasir Khan, Ms.
Shaziya and Ms. Shoaiba Ateeq,
Advs.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

02.09.2025

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CM APPL. 210/2025

1. The present application has been filed for release of the property papers given as Surety by Late Mohd. Shabbir on the ground that the said Late Mr. Mohd. Shabbir, who was the Surety in the present case, has already expired.
2. It is submitted that the applicants are the Legal Representatives ("LRs") of Late Mr. Mohd. Shabbir, who was acting as a Surety in the *RFA 185/2016*.
3. As per the application Late Mr. Mohd. Shabbir passed away on 07th September, 2023. Copy of Death Certificate has been filed along with present application. Thus, LRs of the deceased Surety seek release of the



property papers deposited with this Court.

4. Issue notice. Notice is accepted by learned counsels appearing for the appellant and for the respondent.

5. Learned counsels appearing for the appellant and respondent submit that they have no objection if the present application is allowed.

6. Accordingly, it is directed that the property papers and sale deed of property bearing No. 202, situated at Village Ghonda Chohan Bangar, Illaqa Shahadra, Delhi, admeasure 62 sq. yds., deposited by Late Mohd. Shabbir in RFA 185/2016, lying with the Registry of this Court shall be released forthwith.

7. Accordingly, for release of the said property papers upon satisfaction, list before the Registrar on 19th September, 2025.

RFA 185/2016

8. This Court notes that the Surety had been deposited on behalf of the respondent in terms of the order dated 19th April, 2018, which reads as under:

“Learned counsel for the respondent has filed the surety bond alongwith photocopy of sale deed of property bearing Khasra No.202, Situated at Village Ghonda, Chohan Bangar, Illaqa Shahdara, Delhi admeasuring about 62 sq. yds. sought to be furnished as security for the release of amount deposited by the appellant in terms of order dated 12.03.2018 passed by the Hon'ble Court.

On perusal of the above said sale deed, it transpired that there is an endorsement made on the sale deed that the same property was furnished as surety. Learned counsel for the respondent submits that he will take steps to get the endorsement cancelled.

Let Court notice be issued to the concerned SDM and Sub-Registrar to submit report with regard to valuation, ownership and encumbrances, if any, on the property sought to be furnished as security. Registry is directed to annex a copy of sale deed alongwith the notice.



Renotify on 28.05.2018.”

9. Learned counsel appearing for the respondent submits that on account of furnishing the Security, the amount deposited by the appellant in terms of order dated 12th March, 2018, has already been released to the respondent.
10. Accordingly, the respondent is directed to deposit a fresh Surety, to the satisfaction of the Registrar.
11. For this purpose, list before the Registrar on 19th September, 2025.

MINI PUSHKARNA, J

SEPTEMBER 2, 2025/KR