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IN THE HIGH COURT OF DELHI AT NEW DELHI

LA.APP. 144/2015

UNION OF INDIA

..... Appellant

Through

Mr. Sunil Kumar Jha and Mr. Sanjay
Kumar Pathak, Advs.

versus

VINOD KUMAR GUJRAL AND ANR

..... Respondent

Through

Mr. P.P. Ahuja, Adv. alongwith respondent
No.1 and Mrs. Nishi Gujral/Surety
Mr. Surjan Singh, Office Assistant in the
office of Sub-Registrar-III, Asaf Ali Road,
New Delhi

CORAM:

SH. DINESH KUMAR SHARMA, REGISTRAR GENERAL

ORDER

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28.02.2019

Vide order dated 21.12.2018 the Hon'ble Court has inter alia observed as under:-

“..... The matter is taken up on CM APPL. No.53995/2018 filed on behalf of the respondent No.1 under Section 151 CPC seeking change of the surety that had been submitted as indicated vide order dated 30.5.2016 of the then Registrar General of this Court.

..... In view of the submissions made on behalf of the respondent No.1 seeking the change of the security, the fresh security sought to be submitted be verified by the learned Registrar General of this Court and a report in relation thereto be submitted for the date 6.2.2019.”

Further vide order dated 06.02.2019, the Hon'ble Court has inter alia directed as under

“The matter is listed in terms of the proceedings dated 21.12.2018, however, the proceedings dated 4.2.2019 before the Registrar General of this Court indicate that the proceedings in relation to the fresh security are still pending for 25.02.2019.

The report as directed vide the order dated 21.12.2018 be put up within the stipulated time.

Renotify on 11.03.2019.”

In compliance of the above said direction learned counsel for respondent No.1 has furnished surety bond dated 03.12.2018 alongwith affidavits of respondent No.1 and Mrs. Nishi Gujral/surety for replacing the earlier security furnished on 30.05.2016 i.e. Sale deed dated 27.10.2014 in respect of property bearing No.B-1/29 Northern Extension Area, Karol Bagh, New Delhi-110005 jointly registered in favour of respondent No.1 and his wife/Nishi Gujral/surety with Sub-Registrar-III, New Delhi, vide Registration No.8979 in Book No.1, Vol. No.15,798 on pages at 108 to 130 registered on 01.11.2014 with new security i.e. Gift Deed dated 17.09.2012 in respect of Second Floor portion without roof rights in property constructed on Plot Municipal No.10212-10216, out of Khasra No.1450/1255, area measuring 235.47 sq. mtrs. in Block-S, situated at Western Extension Area, Karol Bagh, Ajmal Khan Road, Delhi which is registered in favour of Mrs. Nishi Gujral/surety with Sub-Registrar-III vide Registration No.7900 in Book No.1, Vol. No.14832 on Pages 127 to 131 on 17.09.2012 with Sub-Registrar-III, New Delhi.

Mrs. Nishi Gujral/surety has submitted that the aforesaid property is free from all sorts of encumbrances, lien, mortgage etc. and undertake that she shall not sell or alienate the said portion of the property without the leave of the Hon'ble Court. She also stated that she is in constructive possession of the second floor of the above said property.

Learned counsel for the respondent No.1 has also furnished affidavit with regard to non-encumbrances on the property sought to be replaced with earlier security. He has also filed valuation report dated 20.11.2018 of M/s Om Singh & Associates, Govt. approved valuer, as per which the value of the second floor portion of the property is Rs.3,14,21,300/-.

On 27.02.2019, Mr. Surjan Singh, office Assistant in the office of Sub-Registrar-III, Asaf Ali Road, New Delhi had brought revenue record in respect of Second Floor portion without roof rights in property constructed on Plot Municipal No.10212-10216, out of Khasra No.1450/1255, area measuring 235.47

sq. mtrs. in Block-S, situated at Western Extension Area, Karol Bagh, Ajmal Khan Road, Delhi and submits that as per revenue record the above said property has been registered in the name of Ms. Nishi Gujral w/o Vinod Gujral by virtue of Gift Deed dated 17.09.2012 registered vide Registration No.7900 in Book No.1, Vol. No.14832 on Pages 127 to 131 with Sub-Registrar-III, New Delhi. He further submits that the value of the above said property as on 17.09.2012 was Rs. 76,49,636/-. Statement of Mr. Surjan Singh, office Assistant in the office of Sub-Registrar-III, Asaf Ali Road, New Delhi had been recorded separately.

Learned counsel for the appellant has no objection in replacing the security with earlier security.

Statements of Mr. Vinod Kumar Gujral, respondent No.1 and Ms. Nishi Gujral/surety have been recorded separately.

As per record, an amount of Rs.91,86,194/- was released to respondent No.1 against the earlier security.

As the Hon'ble Court directed that the fresh security sought to be submitted be verified by the undersigned and a report in relation thereto be submitted before Hon'ble Court. In compliance of the above said directions, I have considered the property sought to be replaced as security with earlier is sufficient to secure the amount of amount of Rs.91,86,194/- as the present value of the property sought to be replaced is Rs.3,14,21,300/-, therefore, it may be replaced with earlier surety.

The Deputy Registrar concerned is directed to keep the original Gift Deed in respect of Second Floor portion without roof rights in property constructed on Plot Municipal No.10212-10216, out of Khasra No.1450/1255, area measuring 235.47 sq. mtrs. in Block-S, situated at Western Extension Area, Karol Bagh, Ajmal Khan Road, Delhi registered vide Registration No.7900 in Book No.1, Vol. No.14832 on Pages 127 to 131 on 17.09.2012 with Sub-Registrar-III, New Delhi in his safe custody.

The report is submitted for kind perusal of the Hon'ble Court.

List the matter before Hon'ble Court on 11.03.2019, the date already fixed.

DINESH KUMAR SHARMA
REGISTRAR GENERAL

FEBRUARY 28, 2019

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