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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 534/2016**

GHANSHYAM DASS GUPTA Appellant
Through: Mr. Pravir K. Jain, Advocate with
appellant in person.

versus

SHYAM WATI & ORS Respondents
Through: Mr. P.N. Parashar, Advocate with
Ms. Shivani Lakhanpal, Advocate for R-1.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **11.01.2017**

CM APPL. 37632/2016 (by the appellant for modification of the order dated 03.08.2016) and CM APPL. 27724/2016 (stay)

1. Notice was issued on CM APPL. 37632/2016 on 06.10.2016, on which date counsel for the respondent No.1 had accepted notice and sought time to file a reply to the application. A reply in opposition to the application has been filed.

2. Mr. Jain, learned counsel for the appellant states that the decretal amount with upto interest, if calculated upto September, 2016 come to about Rs.13 lacs, which vide order dated 03.08.2016 was directed to be deposited on or before 06.10.2016. However, due to financial difficulties, the appellant could not deposit the said amount and has hence filed this application for extension of time.

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3. On 06.10.2016, it was directed that without prejudice to the rights of the respondents, the appellant shall deposit a sum of Rs.8 lacs in the Registry within two days. Counsel for the appellant states that compliances of the said order have been made. Now, the appellant seeks further time upto the end of February, 2017 to deposit the balance decretal amount.

4. The aforesaid request is opposed by the counsel for the respondent No.1, who states that by now, the balance decretal amount with upto date interest has mounted to Rs.8 lacs and there is no justification for the appellant to seeks further time, particularly, when he did not file any document to show that his daughter's marriage was fixed in the month of December, 2016 due to which reason, he could not arrange the funds and now for the counsel for the appellant to state that the said marriage has been postponed to April, 2017 is only a ruse to buy time. He further states that the appellant has sufficient financial resources at his disposal to deposit the decretal amount.

5. Having regard to the fact that the appellant ought to have deposited the entire decretal amount with upto date interest by 06.10.2016 and has only deposited approximately 50% of the said amount and the balance amount is still outstanding and by now, three months more have expired, as a last opportunity, the appellant shall deposit the balance decretal amount with upto date interest on or before 15.02.2017.

6. Immediately upon receipt of the aforesaid amount, the Registry shall place the same in a FDR, initially for a period of one year to be renewed thereafter from time to time, till further orders.



7. It is made clear that in the event the appellant does not make compliance of the order passed above within the time stipulated, then the respondents shall be entitled to seek execution of the judgment and decree in accordance with law, subject to restitution in the event the appellant ultimately succeeds in the appeal.

8. The applications are disposed of.

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1. ***Admit.***
2. List in the category of 'Regular Matters' at its own turn.
3. Trial court record be summoned and tagged with the file.

HIMA KOHLI, J

JANUARY 11, 2017

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