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

+ LA.APP. 322/2017

UNION OF INDIA

..... Appellant

Through

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

versus

INDU BEHAL AND ORS

..... Respondent

Through

Ms. Dimple, Adv. alongwith Ms. Indu Behal, R-1 and Mr. Vinod Kumar Behal, R-2/surety

CORAM:

SH. DINESH KUMAR SHARMA, REGISTRAR GENERAL

ORDER

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24.05.2019

Vide orders dated 02.02.2018 and 09.05.2018, the Hon'ble Court has inter alia observed as under:-

“02.02.2018

DMRC has deposited the decretal amount with the Registrar General of this Court in terms of the order dated 08th November, 2017. Respondents No.1 and 2 are at liberty to withdraw the decretal amount against sufficient security to the satisfaction of the Registrar General. The interim order dated 08th November, 2017 is confirmed.....

09.05.2018

Learned counsel for respondents No.1 and 2 submits that they shall furnish security in terms of order dated 02nd February, 2018 within a period of four weeks from today.....”

As per office record, an amount of Rs.1,32,98,270/- has been deposited in this case.



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In compliance of the abovesaid orders dated 02.02.2018 and 09.05.2018 of the Hon'ble Court, Mr. Vinod Kumar Behal, respondent No.2/surety has furnished security bond for himself and on behalf of respondent No.1 who is his wife for the release of the decretal amount deposited in this case to the extent of their shares.

As security, Mr. Vinod Kumar Behal/respondent No.1/surety has furnished conveyance deed and sale deed in respect of the following land and properties:

- (i) Conveyance deed in respect of Plot No.175, Block-D, Sector-8, Bagdolla, Dwarka, New Delhi area measuring 175 sq. meter registered vide registration No.21621, additional Book No.1, Vol. No.3192, pages 7 to 9 on 22.10.2008 with Sub-Registrar-VII, New Delhi in favour of Mr. Vinod Kumar Behal.
- (ii) Sale deed in respect of built up Property on a piece of land measuring 325 sq. yds. out of Khasra No.487, situated in the abadi of Lal Dora Deh of Village Peera Garhi, Delhi registered vide registration No.9662, Additional Book No.1, Volume No.7780, Pages 23 to 34 dated 13.10.1994 with Sub Registrar-II, Janak Puri, Delhi in favour of Mr. Vinod Kumar Behal.

Mr. Vinod Kumar Behal, respondent No.2/surety for himself and for respondent No.1 submits that he is the absolute owner of the abovesaid land/properties, the above said land/properties are free from all encumbrances and there are no lien or charge or pending court litigation on the above said land/properties and have not been given as security in favour of anyone or not acquired, the said land/property are capable of being attached and sold. He also undertake that he shall not sell, alienate, transfer or part with the possession of the said land/properties nor create any third party interest on the same without the leave of the Hon'ble Court.

The statements of Mr. Vinod Kumar Behal/respondent No.2/surety and Ms. Indu Behal, respondent No.1 have been recorded separately and the same have been duly identified by their counsel. Original Conveyance Deed and Sale Deed in respect of the abovesaid land/properties have been returned to respondent No.2 after making necessary endorsement.



The concerned SDMs and Sub-Registrars have furnished their respective reports in respect of ownership, valuation and encumbrances on the abovesaid land/property sought to be furnished, as per which Mr. Vinod Kumar Behal, is the owner of the abovesaid land/properties, the value of the abovesaid land/properties have been assessed as Rs.1,44,59,520/- and Rs.1,66,68,750/- and there are no encumbrances on the abovesaid land/properties.

In view of the above, security bond furnished by Mr. Vinod Kumar Behal, respondent No.2/surety for himself and for respondent No.1 who is his wife s hereby accepted subject to the condition that respondent Nos.1 and 2 shall refund the amount thereof as may be ordered in the event of the appellant succeeds in the appeal.

The Deputy Registrar concerned is directed to send a communication to the concerned Sub Registrars and SDMs that the aforesaid land/properties have been furnished as security in this case and necessary entry be made in their records and obtain a compliance report to this effect forthwith.

Registrar (B&A) is directed to release the amount to respondent Nos.1 and 2 in terms of orders dated 02.02.2018 and 09.05.2018 passed by the Hon'ble Court after due identification and receipt.

DINESH KUMAR SHARMA
REGISTRAR GENERAL

MAY 24, 2019

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