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

+ RFA 937/2017

BPCL

..... Appellant

Through: Ms. Dipika Chauhan, Adv.

versus

D.P DHALL (THR. HIS LEGAL HEIRS) Respondent

Through: Ms. Indira Dhall, R-1(a) in person
Ms. Aditi Gupta, Adv./DHCLSC for
R-1(c)/Debika Kumar
Ms. Anuja Sinha, Adv. for Punjab
National Bank
Mr. Pankaj Pawan, Chief Manager,
PNB, Sector-62 Branch, Noida, UP

CORAM:

REGISTRAR GENERAL KANWAL JEET ARORA

ORDER

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21.03.2024

1. Vide orders dated 04.04.2022, 31.10.2023 and 28.11.2023, the Hon'ble Court has, *inter alia*, passed the following orders:-

"04.04.2022

3. The Registry is directed to release, to the applicant, accordingly, one-half of the amount deposited by the appellants before this Court including any interest that might have accrued thereon, subject to the applicant depositing with this Court, the title deeds of immovable property worth the amount that is being released to her by this order to the satisfaction of the learned Registrar General. The release of the amount would remain subject to the outcome of the present proceedings."

31.10.2023



CM APPL. 33551/2023

1. This is an application by respondent Nos. 2 and 3 seeking release of the balance one half of the amount lying deposited in this Court with accrued interest.

2. Since there is a money decree in favour of the respondents, the respondents are entitled to release of the money lying deposited in this Court pursuant to the order dated 10.11.2017.

3. The application is allowed and the balance one half amount lying deposited along with the accrued interest be released in favour of respondent Nos. 2 and 3 through Mrs. Indira Dhall, who is the power of attorney holder of both Mr. Devashish Dhall and Mrs. Debika Dhall.

4. In addition, Mrs. Indira Dhall w/o Late Shri D.P. Dhall has orally requested for modification of the order dated 04.04.2022. She states that she does not have an immovable property which she can furnish as a security. However, she has an amount of Rs. 15 lakhs in her Senior Citizen Savings Scheme which she is willing to pledge for release of the decretal amount.

5. The statement of Mrs. Indira Dhall seems to be fair and acceptable to the Court. Hence, the order of 04.04.2022 is modified and balance half of the amount along with the accrued interest is directed to be released in favour of Mrs. Indira Dhall, subject to pledging the account of Senior Citizen Savings Scheme with the balance of more than Rs. 15 lakhs to the satisfaction of Registrar General.....”

28.11.2023

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5. Ms. Dhall, respondent No. 1 who appears in person states that she is also the owner of a property bearing No. 32, Duplex Block A, Rajat Vihar, Sector 62, Noida which is valued at more than 1 crore.

6. She further states that the property is not mortgaged and is also free from all encumbrances but for a paltry amount of Rs. 7 lakhs, she would not like to pledge the title documents of that property.

7. Her offer seems to be reasonable.

8. The respondent No. 1 on her behalf and on behalf of respondent



Nos. 2 and 3 will file an affidavit stating that during the pendency of the appeal, she will not alienate, mortgage, encumber or create 3rd party rights in respect of that property.

9. In addition, she will pledge her senior citizens savings scheme amount with this Court.

10. Subject to the above, the amount lying deposited in this Court shall be released to her.....”

2. As per office report, an amount of Rs.20,96,549.95 is lying deposited in this case in the shape of FDRs and as on 08.12.2023 the total amount alongwith accrued interest is Rs.25,66,622.95.

3. In compliance of the aforesaid orders passed by the Hon'ble Court, respondent No.1(a)/Indira Dhall has furnished her following FDRs issued by Punjab National Bank, Sector-62, Noida Branch, UP alongwith her property bearing No.32, Duplex I, Block A, Rajat Vihar, Sector-62, Nodia, UP as security in this case for the release of the deposited amount alongwith accrued interest in terms of the aforesaid orders of the Hon'ble Court:-

Sr. No.	FDR No.	Name of Depositor	Amount (in Rs.)	Date of Maturity
1	461300PU00021721	Indira Dhall	350000.00	20.02.2025
2	461300PU00021712	Indira Dhall	195000.00	20.02.2025
3	461300PU00021303	Indira Dhall	270000.00	20.02.2025
4	461300PU00003666	Indira Dhall	218551.00	06.11.2024
5	461300DP00022013	Indira Dhall	215666.00	22.12.2024
6	522210DP00003489	Indira Dhall	299984.00	22.11.2024
Total	1539201.00 (Fifteen Lac Thirty Nine Thousand Two hundred One Only.)			

4. The verification report of the aforesaid FDRs was called from the concerned Bank. The concerned Chief Manager Mr. Pankaj Pawan appeared in this court through video conferencing and in response to the queries raised by this Court through email, gave a detailed verification report dated



21.03.2024 in respect of the aforesaid FDRs furnished as security by the respondent No.1(a)/Indira Dhall confirming the genuineness of the said FDRs. Statement of Mr. Pankaj Pawan has also been recorded separately and the same has been sent to him for confirmation through email. His signed scanned copy of the statement has been received in the court and placed on record. He is directed to file the original signed statement in the court within two weeks.

5. In respect of her aforesaid property bearing No.32, Duplex I, Block A, Rajat Vihar, Sector-62, Nodia, UP , respondent No.1(a)/Indira Dhall submitted before this court that she is the owner of the said property and the same is in her physical possession. She further states that as on date the said property is free from all encumbrances and there is no third party interest in the same. She has further placed on record her affidavit stating therein that during the pendency of this appeal she will not alienate, mortgage, or create any encumbrance or any third party interest on her aforesaid property.

6. Respondent No.1(a)/Indira Dhall has placed on record copy of Special Power of Attorney executed by respondent No.1(b)/Devashish Dhall and respondent No.1(c)/Debika Dhall who are her son and daughter respectively and further states that the entire deposited amount including her share and shares of respondent No.1(b) and 1(c) be released to her being the special power of attorney holder of the said respondents.

7. Statement of respondent No.1(a)/Indira Dhall qua furnishing the aforesaid FDRs and aforesaid property as security in the present case for the release of the deposited amount alongwith interest in terms of the directions of the Hon'ble Court 28.11.2023 has also been recorded separately.



8. I have gone through the report filed by the concerned bank qua the aforesaid FDRs furnished as security by the respondent No.1(a)/Indira Dhall. Further I have also gone through the statements given by the concerned bank official as well as the statement of respondent No.1(a)/Indira Dhall qua furnishing the aforesaid FDRs and the aforesaid property as security in this case. The *FDRs amounting to Rs.15,39,201/-* which have been found to be genuine alongwith *property bearing No.32, Duplex I, Block A, Rajat Vihar, Sector-62, Nodia, UP* have been furnished as security by the respondent No.1(a)/Indira Dhall in the present case, which are sufficient to secure the amount to be released in the present case. Therefore, keeping in mind the genuineness of the aforesaid FDRs and considering the statement given by respondent No.1(a)/Indira Dhall in respect of her ownership rights in the aforesaid property, I accept the aforesaid FDRs and property furnished as security in the present case, subject to the condition that the respondent No.1(a) shall refund the amount as may be ordered by the Hon'ble Court in the event of the appeal succeeding, failing which, the amount may be recovered by the Court by encashing her aforesaid FDRs and putting her aforesaid property on sale and she or her successor will not protest against any such move on any ground whatsoever.

9. The issue of releasing the entire amount to respondent No.1(a) only in view of she being the power of attorney of the other respondents, namely, respondent No.1(b)/Devashish Dhall and respondent No.1(c)/Debika Dhall has already been decided by the Hon'ble Court vide the aforesaid order dated 31.10.2023.

10. In view of the above, Registrar (B&A) is directed to release the deposited amount alongwith accrued interest to the respondent No.1(a)/Indira



Dhall in terms of orders dated 04.04.2022, 31.10.2023 and 28.11.2023 passed by the Hon'ble Court after due verification and receipt.

11. The Deputy Registrar concerned is also directed to send a communication immediately to the concerned Bank regarding furnishing the aforesaid FDRs as security in this case and also that the bank would not release the amount to the respondent or any of his representative without the leave/direction/orders of the Hon'ble Court and obtain a compliance report in this regard. The Deputy Registrar concerned is also directed to send a communication alongwith copy of this order regarding the aforesaid property of respondent No.1(a)/Indira Dhall being furnished as security in this case to the concerned Sub-Registrar and SDM by all modes as well through electronic mode and ensure that the necessary entries are made in their records and also obtain a compliance report to the said effect forthwith.

12. As the earlier security i.e Senior Citizen Savings Scheme Account bearing No.461300SCSS000065 (SCSS) furnished by respondent No.1(a) has not been accepted and taken on record in this case, the Deputy Registrar concerned is also directed to return the copy of the aforesaid Senior Citizen Savings Scheme Account bearing No.461300SCSS000065 (SCSS) to respondent No.1(a)/Indira Dhall after retaining photocopy of the same on record. The earlier statement dated 01.12.2023 given by respondent No.1(a)/Indira Dhall in respect of furnishing her Senior Citizen Savings Scheme Account as security in the present case also stands withdrawn.

13. Copy of this order be given dasti to the respondent No.1/Indira Dhall under the signatures of Court Master.

KANWAL JEET ARORA
REGISTRAR GENERAL

MARCH 21, 2024ss

[Click here to check corrigendum, if any](#)