

ITEM NO.14

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5658/2023

(Arising out of impugned final judgment and order dated 05-12-2022 in RFA No. 615/2022 passed by the High Court Of Delhi At New Delhi)

JOGINDER SINGH GULATI

Petitioner(s)

VERSUS

DINESH GULATI (SINCE DECEASED) THROUGH HIS LRS

Respondent(s)

(FOR ADMISSION and I.R. and IA No.59091/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59089/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-04-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Abhishek, AOR
Mr. Manoj Khatri, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

In response to our queries, learned counsel for the petitioner submitted that the order of the Trial Court dated 14.03.2022 granting conditional leave to defend was indeed challenged by the petitioner by way of petition under Article 227 of the Constitution of India bearing Diary No.697758 of 2022, that remains pending with the High Court but before that petition could be heard, the present decision has been rendered dismissing the

regular first appeal at the threshold stage.

We have taken note of the facts and circumstances of this case where, *prima facie*, the petitioner appears having arguable points in this petition. However, looking to the totality of the circumstances, it is considered appropriate to put the petitioner to terms of depositing the amount of Rs.15,48,127/- (Rupees fifteen lakhs forty-eight thousand one hundred twenty-seven), as required by the order passed by the Trial Court, though such a deposit shall remain subject to further orders to be passed in this petition.

Therefore, if the petitioner deposits the said amount of Rs.15,48,127/- (Rupees fifteen lakhs forty-eight thousand one hundred twenty-seven) within two weeks from today with the Trial Court and produces a proof thereof in the Registry of this Court, notice may be issued to the respondents, returnable in four weeks.

Upon the petitioner producing such proof of deposit and issuance of notice, operation, effect and execution of the decree in question shall remain stayed.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

