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

+ CS(OS) 338/2011

ASHOK KUMAR GABA AND ANR Plaintiffs
Through: Mr. P.S. Bindra, Advocate

versus

MOLL CHAND JAIN AND ORS Defendants
Through: Mr. A.P.S. Ahluwalia, Sr. Advocate
with Mr. Rajeev Saxena, Mr. S.S. Ahluwalia
and Mr. U.S. Agarwal, Advocates for D-1.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
04.03.2016

REVIEW PET. 341/2015 (by D-1 for seeking review of the order dated 18.05.2015)

1. The present application has been filed by the defendant No.1 praying *inter alia* for reviewing the order dated 18.05.2015.
2. On 18.05.2015, it was submitted by the counsel for the defendants No.1 and 2 and the proposed defendant No.6/company that the plaintiffs' anxiety with regard to securing an amount of Rs.1,50,00,000/- released by the NBCC in favour of the proposed defendant No.6/company could be allayed by giving an assurance that no part of the said amount lying in the current account maintained by the proposed defendant No.6/company with its Bank at Durg, has been withdrawn by the defendants No.1 and 2.

3. In view of the aforesaid submission, directions were issued to the defendants No.1 and 2 to file their affidavits stating *inter alia* that pending a decision in I.A. 16662/2012, an application filed by the plaintiffs for seeking impleadment of the defendant No.6/company, the proposed defendant No.6 shall ensure that the aforesaid amount remains available in the current account of the company.

4. Mr. Ahluwalia, learned Senior Advocate appearing for the defendant No.1 submits that instead of directing that a sum of Rs.1,50,00,000/- remains lying in the current account of the defendant No.6/company, and further in view of the fact that I.A. 16662/2012 has yet to be adjudicated upon and recently, vide order dated 10.12.2015 passed by the Joint Registrar, the suit has been transferred to the Karkardooma Courts due to change of pecuniary jurisdiction, the applicant/defendant No.1 may be permitted to file an application for offering a valid security for the said amount, till the disposal of I.A. 16662/2012, as had been earlier offered by the defendant No.6/company in FAO(OS) 589/2009.

5. In view of the aforesaid submission, the present application is disposed of with liberty granted to the defendant No.1 to file an appropriate application referred to above, which shall then be considered by the competent court in accordance with law.

6. The review application is disposed of.

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1. This Court is informed that after the order dated 10.12.2015 passed by the Joint Registrar, the file of the present case could not be dispatched to the

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Karkardooma Courts in view of the pendency of the review application.

2. Now that the review application has been disposed of, the Registry is directed to transmit the file of the present case to the Court of the District Judge (Shahdara), Karkardooma Courts Complex, for further proceedings before the competent court on 6th April, 2016.

HIMA KOHLI, J

MARCH 04, 2016

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