

\$~R-10

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

+ RFA 302/2001 & C.M.No. 916/2001

N.D.M.C.

..... Appellant

Through: Ms. Malvika Trivedi, Additional
Standing Counsel for N.D.M.C. &
Mr. Jitendera Kumar Tripathi,
Advocate

Versus

MOHD. USMAN & ORS.

..... Respondents

Through: Ms. Shashi Saxena, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

19.09.2016

%

The decree of 27th April, 2001, awarding a sum of ₹5,00,000/- with interest and costs in favour of respondents, is challenged by appellant in this appeal. While entertaining this appeal, operation of the impugned judgment/ decree of 27th April, 2001, was stayed subject to appellant depositing ₹3,50,000/- with the Registrar General of this Court. Vide order of 16th April, 2002, the amount deposited by the appellant was directed to be released in favour of respondents subject to furnishing of security.

Learned counsel for respondents submits that security could not be furnished and so, the amount of ₹3,50,000/- is still lying deposited with the Registrar General of this Court in the form of fixed deposit receipt.

Today, Ms. Malvika Trivedi, Additional Standing Counsel for appellant- N.D.M.C., has placed on record copy of office notings to show that this appeal is not being pressed with concurrence of the respondents, who have agreed to accept the deposited amount with interest as full and final settlement.

Learned counsel for respondents submits that respondents would be satisfied if the amount of ₹3,50,000/- with interest accrued thereupon is released to them.

In view of the stand taken as above, this appeal is disposed of as not pressed with direction that the amount of ₹3,50,000/- lying deposited in the form of fixed deposit receipt with the Registrar General of this Court with interest accrued thereupon be released to the respondents-decree holders (*through legal heirs or their attorney*) as per rules, provided a detailed authenticated attorney is placed on record.

The appeal and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

SEPTEMBER 19, 2016

r