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

+ RFA 554/2016

SHIV SHANKAR YADAV Appellant

Through : Md. Aslam, Advocate

versus

L M GOYAL & ORS Respondents

Through : Ms. Yeshi Rinchhen, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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24.01.2017

CM 3068/2017 (by appellant for condonation of delay in depositing the draft)

1. The preset application has been filed by the appellant for condonation of delay of 21 days in depositing the draft of Rs.66,000/- in terms of the order dated 9.12.2016.

2. Counsel for the appellant states that one of the terms and conditions of the settlement arrived at between the parties and recorded on 9.12.2016 was that the appellant shall deposit a sum of Rs.66,000/- in the Registry towards Security Deposit within two weeks from the said date, which amount would be placed in a FDR for a period of six months and would be released in his favour with interest after he hands over the vacant peaceful possession of the suit premises to the respondents and produces the proof of handing over/taking over possession. He states that the appellant had got the draft of Rs.66,000/- prepared from his bank on 4.12.2016, but the same was

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misplaced and traced by him only recently. It is therefore stated that the delay of 21 days in depositing the sum of Rs.66,000/- be condoned.

3. Notice. Counsel for the respondents accepts notice and states that she does not wish to file a reply to the application. She however, points out that when the consent order came to be passed on 9.12.2016, it is rather strange that the appellant had got a draft prepared in favour of the Registrar General one week before the said date, on 4.12.2016.

4. Now that the appellant has approached the Court with the amount directed to be deposited in terms of the consent order, and sought condonation of delay of 21 days in making the deposit, the same is allowed. The appellant is directed to deposit the draft in question in the Registry by tomorrow.

5. The application is disposed of.

HIMA KOHLI, J

JANUARY 24, 2017

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