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

+ RFA 21/2016

BIRINDER SINGH SABARWAL Appellant
Through: None

versus

SARDARNI SATPAL KAUR & ORS. Respondents
Through: Mr. Naveen Kumar Raheja, Advocate
for R-1 to R-3.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **06.02.2017**

CM APPL. 44135/2016 (by the respondents for release of amount)

1. The present application has been filed by the respondents praying *inter alia* that the entire decretal amount deposited by the appellant in the present proceedings may be released in their favour, through the respondent No.1 (mother of the respondents No.2 and 3).

2. A perusal of the records reveals that the notice was issued on this application to the non-applicant/appellant through counsel on 29.11.2016. Despite service, none is present on behalf of the appellant. On 13.01.2016, it was directed that subject to the appellant depositing the entire decretal amount towards the *mesne* profits calculated upto 31.01.2016 and further, subject to his continuing to deposit in Court the *mesne* profits with effect from the month of February, 2016 onwards, there shall be a stay of the execution.

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3. Vide judgment dated 10.05.2016, the present appeal was dismissed with costs. Aggrieved by the said order, the appellant had preferred an appeal before the Supreme Court, which was disposed of vide order dated 06.06.2016.
4. Learned counsel for the respondents states that he is not aware as to whether the appellant has complied with the conditions imposed by the Supreme Court in the order dated 06.06.2017 and vacated the suit premises within six months. He seeks to confine the relief in the present application to the release of the decretal amount.
5. Contrary to what has been stated in the present application, as per the report of the Registry dated 28.05.2016, the decretal amount is much more for the reason that the amounts deposited by the appellant were placed in FDRs by the Registry and the maturity value works out to be higher.
6. In view of the fact that the present application has remained unopposed and the appeal had already been dismissed, it is deemed appropriate to direct the Registry to release the amounts deposited by the appellant with upto date interest received on the FDRs, in favour of the respondent No.1, through counsel.
7. The application is disposed of.

HIMA KOHLI, J

FEBRUARY 06, 2017

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