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

+ CM(M) 352/2017

SEVA RAM

..... Petitioner

Through: Mr. Aman Shanker, Advocate

versus

NIMINSH @ AMAN & ORS

.....Respondents

Through: Mr. P. Acharya, Advocate for
respondent No.3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

11.04.2017

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This petition is directed against impugned order of 14th October, 2016 vide which petitioner's application for premature encashment of FDR amounting to ₹2,90,651/- has been dismissed while observing that petitioner has failed to satisfactorily explain how the money already released has been spent.

Notice.

Mr. P. Acharya, Advocate accepts notice on behalf of respondent No.3.

Learned counsel for petitioner submits that no relief is claimed against remaining respondents. So, service upon them is dispensed with.

Service is complete.

Upon hearing, I find that in view of copy of documents now filed on 1st April, 2017, there is no meaningful opposition to this petition and rightly so, as the earlier FDR encashed by petitioner has been utilized in

making payment to *Shubham Developers* for purchase of house in terms of Agreement to Sell and Purchase of 12th August, 2016.

In view of aforesaid, this petition is allowed and impugned order of 14th October, 2016 is set aside with direction that the FDR made in the name of petitioner-*Seva Ram* for a term of five years with principal amount of ₹2,90,651/- lying deposited with State Bank of India, Tis Hazari Courts Branch, Delhi be released directly into the bank account of petitioner-*Seva Ram* upon his furnishing bank details to concerned Bank.

Dasti.

SUNIL GAUR, J

APRIL 11, 2017

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