

\$~A-53

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

+ CM(M) 51/2017

RAM CHET SINGH	 Petitioner
Through	Mr.Salekh Chand Yadav, Adv.
versus	
SANTOSH DEVI AND ANR	 Respondent
Through	

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **16.01.2017**

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 17.10.2016 by which an application for leave to defend the suit under order 37 CPC was allowed subject to deposit of a sum of Rs.15 lac in the form of an FDR.
2. The respondent has filed the suit under Order 37 CPC for recovery of Rs.19,50,000/- on account of an alleged loan given to the petitioner for a sum of Rs.15 lacs. The trial court noted that though it is the plea of the petitioner that the money has been returned and the original documents on which mortgage was made are also in possession of the petitioner, however, as no receipt has been placed on record by the petitioner regarding repayment of the loan the trial court granted conditional leave.
3. Learned counsel appearing for the petitioner submits that the petitioner is not well-off and is working as a driver in DTC. He submits that he would instead of depositing Rs.15 lacs as an FDR is willing to give a surety in the form of immoveable property.

4. It is appropriate that the petitioner be granted liberty to move an appropriate application before the trial court for modification of the order dated 17.10.2016. In case such an application is filed by the petitioner within two weeks from today, the trial court is requested to deal with the application as per law. In case an application is filed within two weeks, there shall be stay of the direction made by the trial court for deposit of the sum of Rs.15 lacs in the form of an FDR till disposal of the application filed by the petitioner.

5. With the above, the present petition stands disposed of. All pending applications, if any, also stand disposed of.

6. Dasti.

JAYANT NATH, J

JANUARY 16, 2017

n