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

+ EFA(OS) 3/2017

ASHOK KUMAR GARG

..... Appellant

Represented by: Mr.Manu Bansal, Adv.

versus

M/S CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LTD & ANR

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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12.01.2017

CM No.880/2017

Exemption is allowed subject to all just exceptions.

EFA(OS) 3/2017

1. Having heard learned counsel for the appellant, we find no merit in the appeal. The receipts in question do not record that payment received by the respondent is in full and final settlement of the loan disbursed and the mortgage stands foreclosed. Concededly title documents when equitable mortgage was created are still with the respondent.

EFA(OS) 3/2017

Page 1 of 2

2. The view taken by the learned Single Judge that since the receipts do not record that payment received is towards full and final satisfaction of the award, the contention of the appellant that the award is satisfied is legally not tenable.

3. We dismiss the appeal in limine.

4. No cost.

CM No.879/2017

Since the appeal has been dismissed in limine the instant application which seeks stay of execution proceedings is dismissed as infructuous.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

JANUARY 12, 2017
VLD