

\$~

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

+ **W.P.(C) 10128/2015**

MAHAVEER SINGH YADAV AND ORS. Petitioner
Through Mr. V.P. Rana and Mr. Karan Singh,
Adv. for P-2

versus

GOVT. OF NCT OF DELHI AND ORS. Respondent
Through Mr. Vivek Ranjan Mohanty, Adv. for
R-4, LRs of R-5 and R-6 to R-12
alongwith R-4, LRs of R-5 and R-6 to
R-12 in person
Mr. R.K. Padhi, Adv. for Roshni
Devi/non-applicant

CORAM:

SH. DINESH KUMAR SHARMA, REGISTRAR GENERAL

ORDER

% **04.12.2019**

CM No. 7265/2019

The present joint application duly accompanied by the affidavit of petitioner No.2 has been furnished by the parties seeking directions for the release of the amount deposited in this case in view of the settlement between the parties.

Vide order dated 19.07.2019 the Hon'ble Court has inter alia passed the following order:

"1. This application is directed to be dealt with by the Registrar General of this Court because it is only for releasing the amount of compensation already deposited by the DMRC in this Court in terms of the Settlement/Decrees, copies of which have been enclosed with the application.

2. It will be open for the non-Applicants to file their respective compilations of documents and written notes of submissions before the next date before the RG."

On 21.11.2019, the following order had been passed:-

“This case has long chequered history, initially the W.P.(C) No.7992/2013 was filed by the present respondent Nos.4 to 12 challenging the award No. 128/86-87. The said writ petition was disposed off vide order dated 16.12.2014, inter-alia directing that petitioner therein i.e. respondent Nos. 4 to 12 in the present case, may negotiate directly with DMRC regarding 2 Bigha and 2 Biswas land. It is pertinent to mention here that in W.P.(C) No. 7992/2013 the present petitioners were not party. The negotiation between the parties culminated into settlement at Rs. 21,39,09,388.80 out of which Rs. 5,34,77,347 i.e. 25% of the total settlement amount was paid to the present respondent Nos. 4 to 12.

Thereafter, the present petitioners filed another writ petition bearing W.P.(C) No. 10128/2015 seeking direction to the LAC and DMRC not to release compensation to the private respondent Nos. 4 to 12. In this writ petition, the Hon'ble Court was pleased to direct that the amount be deposited with the Registrar General of this Court and the writ petition was disposed off vide order dated 18.04.2017 with the direction to the LAC to pass appropriate order considering the writ petition as representation of the petitioner.

Thereafter, the present petitioners filed Civil Suit No. 577736/2016. In this suit the respondent Nos.4 to 12 were also impleaded as respondents. Fortunately, the parties came to the settlement and the suit was decreed as settled in terms of Memorandum of Settlement (MOS) dated 20.11.2018.

It is also pertinent to mention here that in the said suit the LRs of Shri Mahaveer Singh Yadav/ petitioner No.1 withdrew from the suit vide separate order dated 28.11.2018.

In the joint application moved by both the parties bearing CM No. 7265/2019 it was averred that the petitioner No.2 Suraj Yadav will be receiving compensation to the extent of 10% out of the

compensation of Rs. 16,04,32,041/- and remaining compensation in equal shares shall be received by respondent Nos. 4 to 12. While the matter rested thus, another Suit bearing No.211/2017 filed by Smt. Roshni, claiming to be daughter of Shri Dilsukh another son of late Shri Nihal Singh was also disposed off as settled vide separate settlement dated 17.12.2018. By virtue of this settlement, it was decided that out of 90% of the amount Rs. 16,04,32,041/- payable to respondent Nos.4 to 12 as per decree dated 19.01.2019 Smt. Roshni would be receiving amount/compensation to the extent of 8th Share out of 90%.

In para 14 of the CM No. 7265/2019, which is reproduced as below, it was mentioned that the parties will receive the amount as under:-

“a. Total amount lying deposited before Registrar General is Rs. 16,04,32,041/- in shape of fixed deposit.

b. Out of this amount of Rs. 16,04,32,041/-, Sh. Suraj Yadav/petitioner no.2 is entitled to receive Rs. 1,60,43,204.10 which is equal to 10%.

c. After deduction of Rs. 1,60,43,204.10 (Rs. 16,04,32,041/- minus Rs. 1,60,43,204.10), the balance amount comes to Rs. 14,43,88,836.90.

d. Out of this balance amount of Rs. 14,43,88,836.90, Smt. Roshni Devi is entitled to 8th Share which come to Rs. 1,80,48,604.6.

e. Rest of the amount i.e. 1,26,340,232.3 is payable to respondent no.4 to 12 as per their respective shares.”

In the meanwhile, respondent No.5 had died and his LRs were brought on record. Learned counsel for the parties submit that vide order dated 19.01.2019 the amended memo of parties was taken on record by learned trial court. The joint application is accompanied with affidavit of petitioner No.2/Suraj Yadav.

In terms of order dated 28.08.2019, the petitioner

No.2, Smt. Roshni Yadav, non-applicant respondent No.4, LRs of respondent No.5 and respondent Nos. 6 to 12 have stated to have filed undertakings and Indemnity Bonds regarding their shares to be released in pursuance of the Memorandum of Settlement dated 17.12.2018 and 30.01.2019 and also Memorandum of Understanding dated 21.08.2019 in terms of order dated 19.07.2019 passed by the Hon'ble Court. The office is directed to file the report.`

Let the petitioner No.2, Smt. Roshni Yadav, non-applicant respondent No.4, LRs of respondent No.5 and respondent Nos. 6 to 12 be called for recording their statement.

Renotify on 04.12.2019.”

In pursuance to the abovesaid order, Suraj Yadav/petitioner No.2 and Roshani Devi, non-applicant have furnished their respective Undertakings and Indemnity Bonds in respect of their shares and indemnified that if they would not found entitled to receive their respective share amounts, they would refund the same as may be ordered by the Hon'ble Court without any protest.

In pursuance to the order dated 21.11.2019 Dharam Kaur/R-4, Ravi Raj Yadav, LR(i) and Shakti Singh Yadav, LR (ii) of Late Shri Bhim Singh Yadav/R-5, Shree Krishan Yadav/R-6, Ranbir Yadav/R-7, Vijender Singh Yadav/R-8, Anita/R-9, Nishank Yadav @ Happy/R-10, Kajal Yadav/R-11 and Kamlesh Yadav/R-12 have furnished joint undertaking and joint Indemnity Bond in respect of their share amounts and indemnified that if they would not found entitled to receive their respective share amounts, they would refund the same as may be ordered by the Hon'ble Court without any protest.

Respondent No.4, LRs of R-5 and respondent No.6 to respondent No.12 also submit that they have no objection if their share amounts be released in the following manner in terms of Memorandum of Settlements dated 17.12.2018 and 30.01.2019 and also Memorandum of Undertaking dated 21.08.2019 as also in terms of para 14 of joint application bearing CM No.7465/2019 accompanied by affidavit of petitioner No.2:-

- | | | |
|------|------------------------------|---------------------|
| (i) | Suraj Yadav, petitioner No.2 | - Rs. 1,60,43,204.1 |
| (ii) | Roshani Devi, non-applicant | - Rs. 1,80,48,604.6 |

(iii)	Dharam Kaur, R-4	- Rs. 1,80,48,604.6
(iv)	Mr. Ravi Raj Yadav LR of R-5	- Rs. 90,24,302.3
(v)	Shakti Singh Yadav LR of R-5	- Rs. 90,24,302.3
(vi)	Shree Kishan Yadav, R-6	- Rs. 1,80,48,604.6
(vii)	Ranbir Singh Yadav, R-7	- Rs. 1,80,48,604.6
(viii)	Vijender Singh Yadav, R-8	- Rs. 1,80,48,604.6
(ix)	Anita, R-9	- Rs. 60,16,201.5
(x)	Nishank Yadav Yadav @ Happy, R-10	- Rs. 60,16,201.5
(xi)	Kajal Yadav, R-11	- Rs. 60,16,201.5
(xii)	Kamlesh Yadav, R-12	- Rs. 1,80,48,604.6

Respondent No.4, LRs of R-5 and respondent No.6 to respondent No.12 have further state that Suraj Yadav and Suraj Prakash Yadav is one and the same person and Vijender Singh Yadav and Bijender Yadav is one and the same person, Ranbir Yadav and Ranbir Singh is one and the same person, Shree Krishan Yadav and Shree Kishan Yadav is one and the same person and Nishank Yadav and Happy is one and the same person, Suraj Yadav and Suraj Prakash Yadav is one and the same person and Dharam Kaur and Dharmo Devi is one and the same person.

Statement of Petitioner No.2, Roshani Devi, non-applicant, Respondent No.4, LRs of R-5 and respondent No.6 to 12 have been recorded separately to this effect and the same have duly been identified by their respective counsels.

The Undertakings and Indemnity Bonds furnished by Petitioner No.2, Roshani Devi, non-applicant, respondent No.4, LRs of R-5 and respondent No.6 to respondent No.12 have been accepted subject to the conditions that if they will not found entitle to receive their respective share amounts then they shall refund the same as may be ordered by the Hon'ble Court without any protest.

In view of the above, Registrar (B&A) is directed to release the respective share amounts of Petitioner No.2, Roshani Devi, non-applicant, respondent No.4, LRs of R-5, and respondent No.6 to respondent No.12 in view of the settlements between the parties after due identification and verification.

The application stands disposed of.

DINESH KUMAR SHARMA
REGISTRAR GENERAL

DECEMBER 04, 2019

ss