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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1070/2018 and CM No. 36678/2018**

M/S KAMRUP HOUSING PROJECTS PVT LTD Petitioner

**Through: Mr.Dinesh Rastogi and Ms.Himanshi,
Advocates**

versus

SANDEEP KUMAR ARYA & ORS Respondents

Through: Respondent No.1 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 12.09.2018

The respondents No. 2 to 5 are apparently proforma parties, the directors of the respondent No.1 itself.

Vide the present petition that had been filed by the petitioner, the petitioner assails the order dated 17.8.2018 of the learned District Judge, South, Saket Courts in CIC-CS/DJ160/2018 whereby an application filed on behalf of the defendants No.1, 2, 3 and 5 in the said suit seeking leave to defend the suit filed by Sandeep Kumar Arya, the respondent no.1 to the present petition, under Order XXXVII CPC for recovery of a sum of Rs.7,71,994/- against the defendant had been disposed of, with leave to defend having been granted to defendants No. 1, 2, 3 and 5 on the condition that the defendant No.1 would deposit in Court an FDR of Rs.4,90,000/- in the name of the plaintiff within three weeks of the order dated 17.8.2018.

When the present petition was taken up for consideration, learned counsel for the petitioner confined the prayer made by the petitioner to the extent of seeking extension of time for compliance of the direction dated 17.8.2018.

The respondent No.1 apparently opposes the prayer and submits that it is his salary which he needs to get back and the same is being unduly delayed.

Taking the totality of the circumstances of the case into account and the factum that it is the salary of the respondent that needs to be paid, the order dated 17.8.2018 of the learned Trial Court is modified to the extent that leave to defend is granted to the defendants No.1,2,3 and 5 on the condition that the defendant No.1 to the said suit, i.e., CIC-CS/DJ160/2018, i.e., the petitioner to the present petition, shall deposit with the learned Trial Court of the District Judge, South, Saket Court an FDR of Rs.4,90,000/- in the name of the plaintiff latest and without default by the date 6.10.2018.

The petition is disposed of accordingly.

A copy of this order be sent to the learned Trial Court.

ANU MALHOTRA, J

SEPTEMBER 12, 2018/SV