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

+ RFA 616/2017

KAMINI LAL

..... Appellant

Through None

versus

RAMAN LAL SETHI

..... Respondent

Through None

CORAM:

SH. DINESH KUMAR SHARMA, REGISTRAR GENERAL

ORDER

% **25.01.2019**

The case has been listed on office note.

Respondent has filed an application dated 10.12.2018 for cancellation of lien mark on the term deposits which were offered as security in compliance of order dated 07.05.2018 of the Hon'ble Court for the release of the decretal amount deposited by the appellant.

Vide order dated 07.05.2018, the Hon'ble Court has inter alia directed as under:-

“The Appellant and the Respondent are brother and sister. Considering that the Respondent is a senior citizen, it is directed, with the consent of the parties, that the amount lying deposited in this Court along with interest, if any, accrued thereon shall be released in favour of the Respondent subject to furnishing of adequate security to the satisfaction of the Registrar General and also subject to the undertaking that the Respondent would retribute the same depending upon the decision in the appeal.”

In compliance of the above said order of the Hon'ble Court, respondent has furnished security in the form of term deposits for the release of the decretal amount deposited by the appellant and Court notice was issued to the concerned

Banks and Post Office from where the term deposits had been issued for the purpose of verification and genuineness of the following terms deposits:-

DETAILS OF F.D. (CIF No.)	Account No.	BANK	VALUE	MATURITY DATE	Branch
STATE BANK OF INDIA TERM DEPOSITS					
7708202619-2	6727279 97530	STATE BANK OF INDIA	40,000	8/3/2018	State Bank of India, Ansal Chambers, Bikaji Cama, P.B. No. 4, 1 st Floor Ansal Chambers, New Delhi 110066
8512484771-6	3403710 6741	STATE BANK OF INDIA	10,000	8/9/2018	State Bank of India, Ansal Chambers, Bikaji Cama, P.B. No. 4, 1 st Floor Ansal Chambers, New Delhi 110066
7890001122-7	3698643 1031	STATE BANK OF INDIA	40,000	7/4/2018	State Bank of India, ICFI Tower, Nehru Place, Ground Floor, 61 Nehru Place, New Delhi 110019
8512484771-6	3070545 4258	STATE BANK OF INDIA	10,000	5/29/2018	State Bank of India, Moti Bagh, DDA Market, Anand Niketan, Moti Bagh, New Delhi 110021
7708202619-2	6728609 7383	STATE BANK OF INDIA	30,165	9/6/2018	State Bank of India, Ansal Chambers, Bikaji Cama, P.B. No. 4, 1 st Floor Ansal Chambers, New Delhi 110066
7213464808-0	6230731 7227	STATE BANK OF INDIA	30,000	3/27/2019	State Bank of India, Flat No. 110, Surya Kiran Building, 19 K.G. Marg, New Delhi 110001
7213464808-0	6236779 1390	STATE BANK OF INDIA	40,046	5/21/2019	State Bank of India, Flat No. 110, Surya Kiran Building, 19 K.G. Marg, New Delhi 110001
8512484771-6	3052330 7967	STATE BANK OF INDIA	10,000	9/28/2019	State Bank of India, Moti Bagh, DDA Market, Anand Niketan, Moti Bagh, New Delhi 110021
7503558260-5	6522335 6451	STATE BANK OF INDIA	10,000	8/3/2019	State Bank of India, Moti Bagh, DDA Market, Anand Niketan, Moti Bagh, New Delhi 110021
7503558260-5	6725273 5735	STATE BANK OF INDIA	30,000	11/14/2019	State Bank of India, Ansal Chambers, Bikaji Cama, P.B. NO. 4, 1 st Floor Ansal Chambers, New Delhi 110066
8512484771-6	3061161 4674	STATE BANK OF INDIA	10,000	11/29/2019	State Bank of India, R.K. Puram, Sector 1, Block 7, R.K. Puram, New Delhi 110022
8512484771-6	3062272 2074	STATE BANK OF INDIA	10,000	12/9/2019	State Bank of India, Personal Banking

					Branch, New Delhi 11, Sansad Marg, 1 st Floor, B Block, New Delhi 110001
8512484771-6	3058467 9366	STATE BANK OF INDIA	10,000	3/17/2020	State Bank of India, Vasant Vihar, C-19, Shopping Centre, Panchmi Marg, New Delhi 110057
	3073486 3540	STATE BANK OF INDIA	10,000	1/4/2022	State Bank of India, Moti Bagh, DDA Market, Anand Niketan, Moti Bagh, New Delhi 110021
	3076493 5169	STATE BANK OF INDIA	10,000	2/9/2022	State Bank of India, Moti Bagh, DDA Market, Anand Niketan, Moti Bagh, New Delhi 110021
8512484771-6	3966353 6078	STATE BANK OF INDIA	10,000	1/13/2020	State Bank of India, Connaught Circus, B-37/38, Second Floor, Inner Circle, New Delhi 110001
STATE BANK OF BIKANER AND JAIPUR TERM DEPOSITS (NOW MERGED WITH STATE BANK OF INDIA)					
	6122974 2519	STATE BANK OF BIKANER AND JAIPUR	40,000	8/25/2018	State Bank of India, 2 , Regal Building, Sansad Marg, Hanuman Road Area, Connaught Place, New Delhi, Delhi 110001
	6120665 4355	STATE BANK OF BIKANER AND JAIPUR	30,000	11/7/2018	State Bank of India, 2 , Regal Building, Sansad Marg, Hanuman Road Area, Connaught Place, New Delhi, Delhi 110001
	6121450 4376	STATE BANK OF BIKANER AND JAIPUR	30,000	2/21/2024	State Bank of India, 2 , Regal Building, Sansad Marg, Hanuman Road Area, Connaught Place, New Delhi, Delhi 110001
STATE BANK OF HYDERABAD, TDR, NOW MERGED WITH STATE BANK OF INDIA					
7213464808-0	6227969 1555	STATE BANK OF HYDERABAD	30,000	10/9/2018	State Bank of India, 14, Ambadeep Bhawan, Kasturba Gandhi Marg, Connaught Place, New Delhi, Delhi - 110001, India

BHARATIYA MAHILA BANK, TDR (NOW MERGED WITH STATE BANK OF INDIA)					
130000001179	121400000827	BHARATIYA MAHILA BANK	30,000	1/27/2019	State Bank of India, Ground Floor, IFCI Tower, 61, Nehru Place, New Delhi 110019
STATE BANK OF PATIALA (NOW MERGED WITH STATE BANK OF INDIA)					
7503558260-5	66217670488	STATE BANK OF PATIALA	10,000	5/30/2019	State Bank of India, Anand Niketan Community Centre, Moti Bagh, District Delhi, Delhi 110021
7503558260-5	65217570499	STATE BANK OF PATIALA	10,000	6/14/2019	State Bank of India, Anand Niketan Community Centre, Moti Bagh, District Delhi, Delhi 110021
7503558260-5	37244441808	STATE BANK OF PATIALA	10,050	10/18/2018	State Bank of India, Anand Niketan Community Centre, Moti Bagh, District Delhi, Delhi 110021
STATE BANK OF MYSORE (NOW MERGED WITH STATE BANK OF INDIA)					
64131468940	64131284952	STATE BANK OF MYSORE	30,000	12/13/2019	State Bank of India, DDA Building No 3,4 & 5, Near Paras Cinema Theatre, Nehru Place, New Delhi, Delhi 110019
7406424122-7	64160434948	STATE BANK OF MYSORE	40,000	12/4/2017	State Bank of India, E-24, Harsha Bhawan, Middle Circle, Block E, Connaught Place, New Delhi 110001
	64138853638	STATE BANK OF MYSORE	30,000	3/18/2024	State Bank of India, DDA Building No 3,4 & 5, Near Paras Cinema Theatre, Nehru Place, New Delhi, Delhi 110019
6011850801		KOTAK MAHINDRA	100,000	8/28/2018	2, Vasant Vihar Poorvi Marg, Block A, Vasant Vihar, New Delhi, Delhi 110070
670015908450028		DEUTSCHE BANK	80,000	12/14/2022	28 Kasturba Gandhi Marg, Ece House Main Building , New Delhi 110001
670015908450019		DEUTSHE BANK	80,000	5/18/2021	28 Kasturba Gandhi Marg, Ece House Main Building , New Delhi 110001
60001590845		DEUTSHE	70,000	10/5/2020	28 Kasturba Gandhi

0028		BANK			Marg, Ece House Main Building , New Delhi 110001
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<u>Post Office Term Deposits</u>					
DETAILS OF Post Office Term Deposits	Account No.	Post Office	VALUE	MATURITY DATE	Branch
23270442	3261906166	POST OFFICE	40,000	4/30/2021	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3291263772	POST OFFICE	60,000	6/4/2021	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3292801553	POST OFFICE	40,000	6/6/2021	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3388733898	POST OFFICE	40,000	9/30/2021	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3407683722	POST OFFICE	40,000	10/24/2021	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3438171748	POST OFFICE	40,000	12/1/2021	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3444574366	POST OFFICE	40,000	12/8/2021	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3473309182	POST OFFICE	40,000	1/6/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3476976282	POST OFFICE	40,000	1/10/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3490839785	POST OFFICE	40,000	1/23/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3500700302	POST OFFICE	270,000	1/30/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3500707868	POST OFFICE	40,000	1/30/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3509599013	POST OFFICE	40,000	2/6/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3525469307	POST OFFICE	40,000	2/18/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3530091043	POST OFFICE	40,000	2/21/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3553324005	POST OFFICE	40,000	3/8/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3576556568	POST OFFICE	40,000	3/20/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3615390320	POST OFFICE	40,000	3/31/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3758920439	POST OFFICE	40,000	9/9/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3759081894	POST OFFICE	120,000	9/9/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3736449662	POST OFFICE	40,000	8/16/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3716349616	POST OFFICE	40,000	7/24/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3702420978	POST OFFICE	40,000	7/11/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3698453691	POST OFFICE	40,000	7/5/2022	Sansad Marg HO, Central Delhi, Pin Code 110001

23270442	3686719969	POST OFFICE	40,000	6/21/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3680678262	POST OFFICE	40,000	6/15/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3668440447	POST OFFICE	40,000	5/31/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3657213632	POST OFFICE	40,000	5/19/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3657207099	POST OFFICE	40,000	5/19/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3648763115	POST OFFICE	40,000	5/9/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
23270442	3635471061	POST OFFICE	40,000	4/24/2022	Sansad Marg HO, Central Delhi, Pin Code 110001
		TOTAL	2,500,261		

In compliance of the above said order, on 16.07.2018, a report from the Post Office and the banks had been received, whereupon the following order had been passed:-

“A report dated 16.07.2018 has been received from Senior Postmaster, Sansad Marg HPO, New Delhi-110001 wherein it has been stated that with reference to Court Notice/C-6, dated 05.05.2018, it is submitted that the Term Deposit Accounts as mentioned in list received with court notice are thoroughly checked and found that these accounts are live in our records, no lien against these accounts, no duplicate pass book have been issued against any of these account number and no account could be encashed by anyone till the orders of Hon’ble High Court of Delhi.

Mr. Surendra Pal Singh Assistant Manager with State Bank of India, Personal Banking Branch, 11 Sansad Marg, New Delhi, Mr. R.K. Popli, Branch Manager with State Bank of India, E-Block, Harsha Bhawan, Connaught Place Branch, New Delhi-110001, Mr. Dalip Kumar, Manager with State Bank of India, DDA Building, Nehru Place Branch, Delhi-110019 and Mr. Bedpal, Customer Assistant with State Bank of India, R.K. Puram Branch, New Delhi are present on behalf of the Bank for the verification of the FDR bearing No.30622722074 of Rs.10,000/-, FDR bearing No. 64160434948 of Rs.40,000/-, FDR bearing No.39663536078 of Rs.10,000/-, FDRs bearing Nos. 64131468940 and 64138853638 of Rs.30,000/- each and FDR bearing No. 30611614674 of Rs.10,000/- issued in

favour of Mr. Raman Lal Sethi. They submit that the said FDRs are live in bank records and no advance/loan have been taken against the said FDRs till date. The said FDRs are on Auto Renewal Mode and the Bank shall not encash the same till the order of Hon'ble Court.

Ms. Jaya Tomar, learned counsel for State Bank of India is present and seeks time to file verification report in respect of remaining FDRs.

Renotify on 13.08.2018.

However, in the meanwhile, vide judgment dated 01.08.2018, the Hon'ble Court has inter alia directed as under:-

“27. The appeal thus succeeds and is allowed.

28. The impugned judgment and decree are set aside.

29. The suit filed by the respondent / plaintiff, from which this appeal arises, is dismissed. However, owing to the relationship between the parties, I refrain from imposing costs on the respondent / plaintiff.

30. The amount deposited by the appellant / defendant in this Court together with interest accrued thereon be refunded to the appellant / defendant.

31. The date of 13th August, 2018 before the Registrar General is cancelled.”

As per report of the Cash Branch at page 36 of the main file, it has been stated that pursuant to the judgment dated 01.08.2018 of the Hon'ble Court, the entire amount alongwith accrued interest lying in this Court was released to the appellant/ Kamini Lal.

In view of the above, since the appeal is allowed, there is no question of accepting the security furnished by the respondent for release of the decretal amount deposited by the appellant. The Registrar (Appellate) is directed to send a communication forthwith to the concerned Post Office and Banks informing them that the security in the form of terms deposits furnished by the respondent

has not been accepted therefore, the lien, if any, of this Hon'ble Court marked on the aforesaid term deposits with their respective branches stands cancelled and obtain compliance report positively.

The copy of order be also given dasti to respondent.

DINESH KUMAR SHARMA
REGISTRAR GENERAL

JANUARY 25, 2019

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