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

+ **FAO (OS) 9/2017**

M/S SHAKTI RESIDENCY PVT LTD Appellant

Through: Ms. Kamini Jaiswal with Ms. Rani
Mishra and Mr. Jatinder Singh, Advs.
For applicant.

versus

SANJIV ANAND & ANR. Respondents

Through: Mr. Dinesh Garg, Adv. For R-1.
Ms. Kamini Jaiswal with Ms. Rani
Mishra and Mr. Jatinder Singh, Advs.
For applicant.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A.K. CHAWLA

ORDER

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27.09.2019

CM APPL. 42427/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 42426/2019

Respondent No. 2 has filed this application to seek modification of our order dated 01.07.2019 and to seek a direction to respondent No. 1 to deposit the amount of Rs. 5.95 crores, which was directed to be deposited by the

applicant/ respondent No.2. The applicant, in the alternative, seeks reduction of the amount required to be deposited by her, upon consideration of her financial status.

By our said order, after hearing the submission of learned counsels and after taking into consideration all the relevant facts and circumstances, we directed respondent No. 1 to deposit the amount of Rs. 8.55 crores and, simultaneously directed respondent No. 2 – applicant herein to deposit Rs. 5.95 crores in this Court within two months. This court directed that the amounts so deposited shall be placed in a fixed deposit in the name of Registrar General to be disbursed in accordance with the orders passed by the learned Single Judge in the suit preferred by the appellant.

The submission of Ms. Jaiswal is that respondent No. 2 is a 77 years old lady and the property in respect whereof the agreement was entered into, is the only property that she possesses. She submits that the applicant has been living in the said property since 1971 and, as a matter of fact, she had received only Rs. 4 crores from the appellant under the agreement. Therefore, the direction to her to deposit Rs. 5.95 cores is not called for. She further submits that respondent No. 2 had obtained a decree against respondent No. 1 for Rs. 28 crores and, therefore, he should be asked to deposit the aforesaid amount on behalf of the applicant respondent No. 2.

Having heard learned counsel and having considered her submissions, we are not inclined to either modify our order, or reduce the amount that the

applicant respondent No. 2 should deposit in Court in terms of our aforesaid decision.

The relief that is sought by the applicant/ respondent No. 2 is in the nature of a review. This Court is not concerned with the inter se transaction between the two respondents, or the personal status of the applicant/ respondent No.2. While issuing our aforesaid directions, we have examined the agreement entered into between the appellant and the respondents, and passed orders keeping in view the position emerging on record. We, therefore, do not find any merit in this application.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

SEPTEMBER 27, 2019

N.Khanna