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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 583/2018 & CM APPL No.29142/2018

LAKHMI CHAND SHARMA

..... Appellant

Through : Ms.Shreya Singh, Advocate.

versus

HARI CHAND

..... Respondent

Through : Mr.Rohit Dagar, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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04.12.2019

This appeal challenges the judgment and decree dated 15.03.2018 and also order dated 18.03.2017 whereby in a suit for recovery of Rs.4,00,000/- with interest, based on a loan agreement dated 05.08.2014; conditional leave to defend was granted to the appellant herein on deposit of an amount of Rs.1,00,000/-. The learned counsel for the appellant says there was never any agreement of Rs.4,00,000/- executed between the parties and in fact the parties have entered into only one loan transaction of Rs.13,00,000/- given to the appellant for purchase of a shop but the said loan amount was returned along with interest.

However the learned counsel for the respondent says there were only one loan transaction viz. the agreement dated 05.08.2014 whereby a loan of Rs.4,00,000/- only was given to the appellant herein. He further submits the learned Trial Court has granted a

conditional leave subject to deposit of Rs.1,00,000/- only which the appellant failed to deposit. The copy of such agreement is filed on record.

During the course of arguments the learned counsel for the appellant prays to reduce the amount for conditional leave to defend.

Considering the facts and circumstances the impugned order dated 15.03.2018 stands modified to an extent the conditional leave is granted to the appellant herein on deposit of Rs.75,000/- within six weeks from today before the learned Trial Court.

The appeal stands disposed of in terms of above. Pending application(s), if any, also stands disposed of.

The learned Trial Court shall conclude the trial within six months from 09.01.2020. The parties to appear before the learned Trial Court on 09.01.2020.

Order *dasti*.

YOGESH KHANNA, J.

DECEMBER 04, 2019

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