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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 596/2018**
SUBHASH ARORA & ANR.

..... Appellant

Through: None

versus

ARUN KHOSLA

..... Respondent

Through: In person

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **11.10.2019**

CM APPL. 43172/2019

The application is filed by the respondent for release of bank guarantee in compliance of the court's order dated 16.11.2018.

The respondent had filed a suit for recovery against the appellant herein under Order 37 CPC which was decreed in favour of the respondent and against the appellant. The appellant came in appeal viz. RFA No.596/2018 which was also disposed of vide order dated 16.11.2018 while directing the release of amount to the respondent subject to furnishing of bank guarantee. The matter was thus remitted to the trial court for trial; the leave having been granted to the appellant to contest the suit.

It is now stated the suit after trial has since been decreed on 03.06.2019 by the learned Trial Court. An execution application is filed in which the following order is passed:

...There is no purpose in retaining the bank

guarantee as the suit has been finally disposed off now. Accordingly DH is entitled to get back the bank guarantee. He may apply before the concerned authority in order to take the same back...

It is submitted against the judgment dated 03.06.2019 no appeal has been filed till date by the appellant herein.

Considering the submissions so made and also on perusal of the order dated 20.09.2019 in Execution Petition No.1054/2019 and there have been no challenge to the said order, the bank guarantee dated 28.11.2018 of Rs.13 lacs be released to the respondent and be handed over to the court clerk-Manoj Kumar of the counsel for the respondent.

The application stands disposed of.

Copy of the order be given *dasti* under signature of the Court Master.

YOGESH KHANNA, J.

OCTOBER 11, 2019

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