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

\+ RFA(OS) 27/2017

ALLAHABAD BANK ..... Appellant

Through: None.

versus

MALAYAN BANKING BERHAD ..... Respondent

Through: Ms. Devmani Bansal, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

O R D E R

% **13.03.2020**

1. The matter has been listed in terms of office note dated 11th March, 2020, which in turn is in terms of office note dated 4th March, 2020 of the Cash Branch of the Registry.

2. Vide judgment dated 25th November, 2019, the decree appealed against was modified and it was directed that the respondent would be entitled to sum of Rs.10,79,69,518.02 paise with *pendent lite* and future interest remaining the same.

3. The respondent/decree holder filed C.M. No. No.5930/2020 for release of the decretal amount and vide order dated 14th February, 2020, the said application was allowed and the respondent was permitted to approach the Registry for release of the decretal amount deposited by the appellant in the Court and the balance amount, if any was ordered to be released in favour of the appellant.

4. The Cash Branch of the Registry of this Court has reported that the

appellant had deposited a sum of Rs.13,19,21,549.03 paise towards decretal amount and which amount was kept in FDR in automatic renewal mode; that as per the decree modified vide judgment dated 25th November, 2019, a total sum of Rs.15,36,36,187.02 paise is due to the respondent but the value of the FDR as on 25th November, 2019 is only Rs.15,17,60,237/-, leaving a deficit of Rs.18,75,950.02 paise in the decretal amount.

5. The Cash Branch has in the office note dated 4th March, 2020 suggested that the appellant be directed to deposit the deficient amount and thereafter the total decretal amount be released to the respondent decree holder.

6. There is no need for this Bench exercising appellate jurisdiction to direct deposit of deficient decretal amount, if any. It will be open to the respondent decree holder to execute the decree for recovery of any balance amount due.

7. It is thus directed that the entire amount with interest earned on the FDR till the date of release, as long as upto or less than the decretal amount, be released in favour of the respondent/decree holder and the respondent decree holder will be entitled to take appropriate measures for recovery of the balance, if any.

8. No further orders are required.

RAJIV SAHAI ENDLAW, J

SANGITA DHINGRA SEHGAL, J

MARCH 13, 2020

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