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

% Judgment delivered on: 24.09.2019
+ C.R.P. 278/2018

SANTOSH KUMAR SINGH Petitioner
versus
DEEPAK GUPTA & ANR Respondents

Advocates who appeared in this case:

For the Petitioner: Petitioner in person.

For the Respondent: None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

C.R.P. 278/2018 & CM APPL.53348/2018 (stay), CM APPL. 53350/2018 (for condonation of delay)

1. Petitioner impugns judgment dated 15.01.2018, whereby, the appeal of the petitioner, impugning judgment and decree dated 05.09.2016, was dismissed.
2. A decree was passed against the petitioner in the sum of Rs.8,000/- along with interest @ 6% per annum from the date of the filing of the suit till the realization of the amount.
3. On 18.12.2018, the decree was stayed subject to petitioner

depositing the entire decretal amount with the Registry of this Court. Accordingly, petitioner deposited a sum of Rs.8150/- with the Registrar General of this Court.

4. Petitioner has filed an application being CM APPL. 34656/2019 contending that the entire decretal amount has already been paid before the executing Court and as such the amount deposited with this Court be refunded to the petitioner.

5. Perusal of order dated 12.07.2019 of the Executing Court shows that the petitioner has paid the entire decretal amount of Rs.12,580/- in Court to the Decree Holder and the executing Court has recorded that the decree stands satisfied.

6. Since the decree, which was challenged in these proceedings, already stands satisfied, the amount deposited by the petitioner, in terms of order dated 18.12.2018 of this Court, is, accordingly, liable to be refunded to the petitioner.

7. In view of the above, Registry is directed to refund the amount deposited by the petitioner along with interest accrued thereon, if any, to the petitioner.

8. Petitioner seeks leave to withdraw the petition.

9. Petition is dismissed as withdrawn.

SEPTEMBER 24, 2019/st

SANJEEV SACHDEVA, J