

\$~60

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

%

Judgment delivered on: 19.04.2023

+ CM(M) 621/2023

ANJU BALA

..... Petitioner

versus

SANTOSH ARORA

... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Shayuk Kumar and Mr. Rohit Saroj,
Advocates.

For the Respondent :

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 18999/2023

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 621/2023

3. Petitioner challenges the order dated 15.03.2023 in Civ. DJ No. 321/2019 titled as "*Santosh Arora Vs. Anju Bala*" whereby an application under Order XLVII Rule 1 & 2 of CPC, 1908 was dismissed by the learned Trial Court.
4. Learned counsel submits that the petitioner was granted conditional leave to defend subject to deposit of Rs.8,00,000/- as against the full claim amount of Rs.32,00,000/-.

5. Learned counsel submits that it was on an application under Section 151 of CPC, 1908 citing the absolutely penurious financial condition of the petitioner, that the learned Trial Court had reduced the conditional pre-deposit from Rs.8,00,000/- to Rs.4,00,000/- to be deposited within 15 days from the order dated 28.09.2022 .
6. Learned counsel submits that keeping in view her financial condition, the petitioner had filed an application under Order XLVII Rule 1 and 2 of CPC, 1908 seeking review of the order dated 20.09.2022 to reduce the amount further.
7. Learned counsel submits that learned Trial Court did not consider the financial condition of the petitioner and dismissed the aforesaid review application.
8. Learned counsel submits that the case of the petitioner is that she had in fact taken a loan of Rs.2,00,000/- from the respondent for the purpose of hospitalization of her husband and in lieu of such loan, had executed some blank cheques which were stated to have been misused by the respondent by filing the subject suit whereby the inflated claim of Rs.32,00,000/- was raised.
9. Learned counsel further submits that the petitioner is a single mother having an earning of not more than Rs.15,000-16,000/- in which the petitioner also has to take care of her child, apart from payment of rent.
10. Learned counsel submits that the aforesaid earning is by means of tiffin services.
11. Learned counsel submits that the deposit of Rs.4,00,000/- itself is an onerous burden upon the petitioner which she may not be able to

discharge.

12. This court has considered the aforesaid submissions of the learned counsel and also perused the impugned order.

13. This court is of the considered opinion that the impugned order does not require any intervention by this court under the Supervisory Jurisdiction. However, on an overall conspectus of the facts as also the financial condition of the petitioner, this court is of the considered opinion that the petitioner ought to deposit the amount of Rs.4,00,000/- as directed vide order dated 20.09.2022, however, the same be converted into instalments of Rs.50,000/- each payable for the next 8 months.

14. In view of the aforesaid modification, the petition is disposed of.

15. Copy of this order be sent to the respondents.

TUSHAR RAO GEDELA, J .

APRIL 19, 2023/AT