



\$~23

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 21/2024, CAV 62/2024 & CM Nos.8136-37/2024**

SANJAY BINDAL

..... Appellant

Through: Mr Parag Tripathi, Sr Adv. with Mr
P.K. Bansal, Ms Arusha Mishra, Ms
Vashundra Bakhru, Mr Akarsh
Pandey and Mr Aman Gupta, Advs.

versus

AJAY BINDAL AND ANR

..... Respondents

Through: Mr Rajshekhar Rao, Sr Adv. with Mr
Dhruva Gandhi, Ms Khushbu
Chhajer and Mr Aayush Agarwala,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

09.02.2024

%

[Physical Hearing/Hybrid Hearing (as per request)]

CAV 62/2024

1. Since learned counsel for respondent no.1 has entered appearance, the caveat is discharged.

CM No.8137/2024

2. Allowed, subject to just exceptions.

FAO(OS) (COMM) 21/2024 & CM No.8136/2024 [*Application filed on behalf of the appellant seeking interim relief*]

3. After some arguments, Mr Parag Tripathi, learned senior counsel, who appears on behalf of the appellant, on instructions, seeks to withdraw the appeal, with liberty to move the learned Single Judge with an appropriate application, with regard to the appellant's contention that he wishes to use the tile deeds for securing loan facilities from Axis Bank.

FAO(OS) (COMM) 21/2024

page 1 of 2



4. The appeal is dismissed as withdrawn.
5. Liberty, as prayed, is granted, *albeit*, as per law.
6. Needless to add, if an application is moved by the appellant, both sides will have leave to put forth their respective stands before the learned Single Judge.
7. We may also note that the impugned order also requires respondent no. 2, i.e., State Bank of India (SBI) to deposit Fixed Deposit Receipts (FDRs) with the Registrar General of this Court.
- 7.1 Mr Tripathi says that there was no prayer made in the interlocutory application by the respondent no.1 concerning FDRs.
8. Mr Rajshekhar Rao, learned senior counsel, who appears on behalf of respondent no.1, concedes as much, that is, no such prayer was made. Therefore, if an application is moved by the appellant, respondent no.1 will not contest variation of the interim order insofar as FDRs is concerned.
9. Consequently, the pending application shall stand closed.
10. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 9, 2024

aj

[Click here to check corrigendum, if any](#)