



\$~8

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

+ C.R.P. 193/2022

VASANT LALL

.....Petitioner

Through: Mr. Noor Alam, Advocate.

versus

HIMANSHU VASHIST

.....Respondent

Through: Mr. Vaibhav Mahajan, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **11.12.2024**

CM APPL. 5886/2023 (under Section 151 CPC on behalf of the Respondent seeking withdrawal of Rs.5 lakhs deposited by the Petitioner with learned Trial Court)

1. An Application has been filed on behalf of the Respondent for release of Rs.5 lakhs. However, the said amount was directed to be deposited subject to the outcome of the suit.
2. There is no ground for release of money at this stage.
3. The Application is dismissed.

C.R.P. 193/2022

4. A Revision Petition under Section 115 read with Section 151 CPC has been filed against the impugned Order dated 11.11.2022 whereby the application filed for review of Order dated 07.11.2019 vide which the Leave to Defend was allowed subject to deposit of Rs.8 lakhs, was dismissed.
5. **Submissions heard.**
6. The Leave to Defend of the Petitioner was allowed vide Order dated 07.11.2019 subject to condition of deposit of Rs.8 lakhs i.e. the suit amount.
7. A Review Petition was filed under Section 114 read with Section 151



CPC by the Revisionist for review of the Order dated 07.11.2019 to the extend of deposit of the suit amount. However, this Review Application got dismissed on 11.11.2022 against which the present Revision Petition has been filed.

8. It is submitted on behalf of the Revisionist that while issuing Notice in the present Revision Petition vide Order dated 24.11.2022, the revisionist was directed to deposit Rs.5 lakhs, which may be made absolute and the Revision Petition be accordingly disposed of.

9. Learned counsel on behalf of the Respondent has, however, opposed the Revision Petition on maintainability as well as on merits.

10. **Submissions heard.**

11. First and the foremost, the Order under challenge is the Order passed in the Review Petition which per se is not amenable to any interference. Secondly, the unconditional Leave to Defend has been allowed in favour of the Revisionist vide Order dated 07.11.2019 subject to the condition of depositing the suit amount in the sum of Rs.8 lakhs. No directions have been made for deposit of the interest. Simplicitor deposit of suit amount does not suffer from any kind of jurisdictional error.

12. In the circumstances, there is no merit in the present Revision Petition, which is here by dismissed with the directions to the Revisionist to deposit the balance Rs.3 lakhs before the Trial Court within four weeks.

13. The Revision Petition stands disposed of accordingly.

NEENA BANSAL KRISHNA, J

DECEMBER 11, 2024/va