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

+ RFA 50/2012

OMAXE BUILDHOME PVT. LTD. ....Appellant

Through: Mr. Mukti Bodh and Ms. Mala  
Diwadi, Advs. with Mr. Pawan  
Agarwa, AR (Through VC)

versus

DHANENDER KUMAR JAIN .....Respondent

Through: Mr. M.K. Sethi, Adv. with Mr. Sachin  
and Mr. Vijay Singh, Advs. (Through  
VC)

**CORAM:**  
**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**  
**30.07.2025**

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1. Learned counsels appearing for the parties submit that the parties have arrived at a settlement.
2. Learned counsel appearing for the appellant draws the attention of this Court to the order dated 25<sup>th</sup> January, 2012, wherein, it had been directed as follows:

“xxx xxx xxx

**RFA No.50/2012 & CM No. 14563/2012 (for stay)**

*1. Learned counsel for the appellant states that the appellant will deposit the decretal amount in this Court within a period of 4 weeks from today. On deposit of the decretal amount, operation of the impugned judgment will remain stayed till further orders, unless varied by the Court. The amount, on being deposited, be put by the Registry in a fixed deposit so as to earn maximum rate of interest.*

*2. Notice be issued to the respondent on filing of process fee, both in the*



*ordinary method as well as by registered AD post, returnable on 29<sup>th</sup> March, 2012.*

*xxx xxx xxx”*

3. By relying upon the said order, learned counsel appearing for the appellant submits that the decretal amount was deposited by the appellant before this Court, pursuant to the directions dated 25<sup>th</sup> January, 2012 passed by this Court. Thus, he submits that the appellant has no objection if the said decretal amount, along with the interest, is released in favour of the respondent.
4. Learned counsel appearing for the respondent submits that the said decretal amount has been kept in an interest-bearing account. Thus, he submits that the full amount be released to him. He further submits that the name of the respondent has been incorrectly spelled in the present appeal.
5. He, thus, submits that the said amount is required to be released in favour of the respondent, i.e., Dhanander Kumar Jain.
6. Learned counsel appearing for the appellant submits that he has no objection to the aforesaid statement.
7. This Court is informed that the appellant had deposited an amount of Rs. 7,67,422/- on 27<sup>th</sup> January, 2012.
8. Accordingly, it is directed that the amount deposited by the appellant, along with the accrued interest, shall be released in favour of the respondent, i.e., Dhanander Kumar Jain.
9. The respondent is directed to approach the Registry in this regard, which shall release the amount to the respondent.
10. Needless to state, on account of the present settlement, the respondent shall not press the execution petition, which shall be withdrawn by the



respondent.

11. Accordingly, the present appeal is disposed of, as settled.

**MINI PUSHKARNA, J**

**JULY 30, 2025/KR**