



\$~95

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

+ **FAO 119/2025**

BANK OF BARODA

.....Appellant

Through: Mr. Sougat Sinha, Adv.

versus

KRITI KARAR & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

%

01.05.2025

1. This hearing is being conducted through hybrid mode.

CM APPL. 26266/2025 – EXEMP.

2. Allowed, subject to all just exceptions.

3. Application stands disposed of.

FAO 119/2025

4. This is an appeal preferred by the appellant under Order 43 Rule 1(q) of the Code of Civil Procedure, 1908 [hereinafter referred as “CPC”], thereby assailing the impugned order dated 10.03.2025, passed by the learned District Judge-02, South-West District, whereby the application of the appellant, who is the plaintiff in the suit for recovery filed by him against the respondents under Order 38 Rule 5 of CPC, was dismissed.

5. No one is present for the respondents despite sending advance notice.

6. In a nutshell, it appears that the father of respondent No. 1 and the husband of respondent No. 2 namely Chhote Babu Karar was receiving family pension consequent to the death of his late wife,

This is a digitally signed order.
namely Sunita Karar, who was employed with the

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 05/05/2025 at 14:49:42



appellant/plaintiff/bank.

7. It appears that the deceased/Mr. Chhote Babu Karar had given a false affidavit about his marital status and continued to withdraw family pension, although he had gotten married to the respondent No. 2 on 20.09.2020.

8. The deceased/Mr. Chhote Babu Karar passed away on 30.01.2023, and thereafter, it appears that either one of the respondents or both had been withdrawing the family pension till about 06.04.2023.

9. The application of the appellant/bank for calling upon a restraint order against the respondents from disposing of the property to their detriment was declined.

10. After some arguments, learned counsel for the appellant requests for permission to withdraw the present appeal with a liberty to move a fresh application seeking adequate security from the respondents based on their disclosures, to be made by them in their affidavits to be filed or already filed, in terms of the directions, which have been passed by the learned Trial Court *vide* paragraph (13) of the impugned order dated 10.03.2025.

11. In view of the aforesaid submissions, the present appeal is dismissed as withdrawn with liberty to the appellant to move a fresh application and seek appropriate relief in accordance with law.

12. Pending applications also stand disposed of.

DHARMESH SHARMA, J.

MAY 01, 2025/gunn/sa

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 05/05/2025 at 14:49:42