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

+ RFA 342/2012, CM APPL. 13705/2012, CM APPL. 13707/2012 &
CM APPL. 76294/2024

BIRENDRA MOHAN BIHAR & ANR

.....Appellants

Through: None.

versus

AMBKER SINHA @ AMBER RANA

.....Respondent

Through: Mr. Raghav Parwatiyar, Advocate

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

02.05.2025

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1. None appears for the appellants when the matter is called out.
2. This Court notes the office noting, wherein, it has been stated that the appellant nos. 1 & 2 could not be served. Further, Court Notice to respondent nos. 1 & 2 has remained un-served, as there is no such firm.
3. Learned counsel appearing for the respondent submits that a decree was passed in favour of the respondent herein.
4. Perusal of the present appeal shows that the same has been filed challenging the judgment dated 30th March, 2012, passed by the ADJ-01, Dwarka Courts, New Delhi in CS No. 321/11.
5. By way of the impugned judgment, the plaintiff, who is the respondent herein, has been held entitled to recover the amount of Rs. 4,00,000/-, with interest @6% per annum, from the date of filing of suit, till realization from the appellants herein.



6. Perusal of the order sheets shows that *vide* order dated 6th November, 2012, it had been directed as follows:

“xxx xxx xxx

Till the next date of hearing, the operation of the impugned judgment and decree shall remain stayed subject to the deposit of the entire decretal amount, along with interest and costs, with the Registrar of this Court within three weeks from today. The amount so deposited shall be placed in a Short Term Fixed Deposit by the Registrar, to be renewed from time to time till further orders of this Court.

xxx xxx xxx”

7. Pursuant to the aforesaid direction, the entire decretal amount was deposited by the appellants herein before this Court.

8. This Court further notes that *vide* order dated 18th March, 2013, it had been directed as follows:

“xxx xxx xxx

Interim order dated 6th November, 2012 is made absolute during pendency of the appeal. It may be noted that ₹4.5 lacs has already been deposited by the appellants in terms of order dated 6th November, 2012. Let this amount together with interest, if any, be released to respondent, subject to furnishing security to the satisfaction of Registrar General of this Court. Application is disposed of.

xxx xxx xxx”

9. Thus, it is noted that *vide* the aforesaid order dated 18th March, 2013, directions have been issued to release the aforesaid amount to the respondent herein, upon furnishing the security to the satisfaction of the Registrar General of this Court.

10. Learned counsel appearing for the respondent submits that no security was deposited by the respondent and no application was made on behalf of the respondent for release of the said amount. He, thus, submits that the present amount stands deposited with the Registry of this Court.

11. This Court has perused the impugned judgment and the evidence on



record.

12. Nothing has been brought forth before this Court as regards any error in the impugned judgment. Accordingly, no merit is found in the present appeal.

13. The Registry of this Court is directed to release the amount, as deposited by the appellant, *vide* order dated 6th November, 2012, along with interest accrued, in favour of the respondent.

14. The respondent is directed to file an application before the Registry of this Court, which shall release the requisite amount in favour of the respondent, upon furnishing valid Identity Card.

15. With the aforesaid directions, the present appeal along with pending applications, is accordingly, disposed of.

MINI PUSHKARNA, J

MAY 2, 2025

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