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

+ CM(M) 370/2026 , CM APPL. 7257/2026, CM APPL. 7258/2026
CM APPL. 7259/2026

REKHA AND & ANR.

.....Petitioners

Through: Mr. Asim Ali, Mr. Mohd Junaid
Khan, Ms. Sehrish, Advs. with
petitioner Rekha in person

versus

PARUL TANEJA & ANR.

.....Respondents

Through: Smt. Sunehri Devi

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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18.02.2026

1. Pursuant to previous order dated 3rd February 2026, *Smt. Sunehri Devi* [respondent herein] as also *Smt. Rekha* [petitioner herein], are present. Both have been duly identified by *Mr. Asim Ali*, counsel for petitioner.
2. An affidavit has been filed by *Smt. Sunehri Devi* stating that she has entered into a Sale Agreement with respect to her built-up property bearing *no.18, New No. D-132*, area measuring *23 sq. yds*, with roof / terrace rights, out of *khasra no. 112/6*, situated in the colony of *Mahavir Enclave, III, Village Palam, Delhi*, for a total sale consideration of *Rs.35,50,000/-* to *Smt. Rekha*, wife of *Late Sh. Anil Kumar*.
3. On a query by the Court, *Smt. Sunehri Devi* confirms having received the entire sale consideration amount from *Smt. Rekha*.
4. A similar affidavit has also been filed by *Smt. Rekha* stating that she



has paid the entire sale consideration amount of Rs.35,50,000/- to Smt. Sunehri Devi, and further states that she has obtained physical and vacant possession of the property as also title deeds of the same.

5. Both affidavits produced before court shall be placed on record by the counsel for petitioner.

6. In view of the facts as noted above, there is no reason why the money deposited in form of compensation before the Tribunal, in terms of Award dated 6th January 2025, should not be released in favour of Smt. Rekha/ petitioner, who needs to pay off loans that she took for purchase of the property.

7. On a query, Smt. Rekha/petitioner states that she is conscious of the fact that upon withdrawal of the complete amount from the Tribunal, no further compensation amount would remain deposited before the Tribunal.

8. She states that she was in dire need of a dwelling unit. So far, she was staying on rent and, having three children to take care of, she preferred buying a property which they own; accordingly, she purchased the afore-noted property from Smt. Sunehri Devi.

9. The Supreme Court in **A.V. Padma & Ors. v. R. Venugopal & Ors.**, (2012) 3 SCC 378, held that the Tribunals should not mechanically insist on investing compensation in long-term fixed deposits in every case, and must apply their mind to the claimant's needs, releasing the amount where justified to prevent injustice and hardship. Relevant paragraph is extracted as under:

“10. The Tribunals very often dispose of the claimant's application for withdrawal of the amount of compensation in a mechanical manner and without proper application of mind. This has resulted in serious injustice and hardship to the claimants. The Tribunals appear to think that in view of the



guidelines issued by this Court, in every case the amount of compensation should be invested in long-term fixed deposit and under no circumstances the Tribunal can release the entire amount of compensation to the claimant even if it is required by him. Hence a change of attitude and approach on the part of the Tribunals is necessary in the interest of justice.”

(emphasis added)

10. Similarly, the Delhi High Court in **Sharda Devi v. Sachin Pratap Singh & Ors.** 2018:DHC:3564, observed that denial of release in a mechanical manner, without considering the claimant’s socio-economic condition and welfare, reflects non-application of mind and that a welfare-oriented approach must be adopted. Relevant paragraph is extracted as under:

“9. Having considered the application and the agreement relied upon by the Petitioner as also the fact that the FDR was in any event maturing on 16.09.2018, I am of the considered view that the Tribunal has dismissed the Petitioner's application in a mechanical manner and without due application of mind. The Tribunal has overlooked the economic strata to which the Petitioner belongs and the conditions in which she is living. In my view, the Tribunal ought to have appreciated that in cases seeking pre-mature release of the amount deposited, it is expected to consider the welfare of the claimant, who is a legal heir of the deceased and not act in a hyper-technical manner.

(emphasis added)

11. In light of above discussion, it is directed that the entire balance amount, along with accrued interest till date, be released in favour of *Smt. Rekha*, by the Tribunal. The amount shall be remitted directly into designated account of *Smt. Rekha*, within a period of two weeks.



12. Copy of order be given *dasti* under signature of Court Master.
13. This petition stands disposed of in above terms.
14. Pending applications are rendered infructuous.
15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 18, 2026/sm/tk