

State Bank Of India vs Gaurav Bhasin & Ors on 22 February, 2021

Author: V. Kameswar Rao

Bench: V. Kameswar Rao

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 1040/2019, CM Nos. 52408/2019, 25262/2020 & 52427

STATE BANK OF INDIA

Through: Ms. Jaya Tomar, Adv.

versus

GAURAV BHASIN & ORS

Through: Ms. Sonali Malhotra and
Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 22.02.2021

1. This is an application filed by the respondent Nos.1 to 7 with the following prayers:

"In view of the aforesaid facts and circumstances, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:-

(a) Order the release of the amount of Rs.40,00,000/- lying deposited before this Hon'ble Court by the appellant as per the orders dated 18.12.2019 passed by this Hon'ble Court, in favour of the present respondents for the treatment of the major ailments being suffered by Shri Sudesh Kumar Bhasin and Smt. Sudesh Bala Bhasin i.e. present respondent No.4, as mentioned above;

(b) Order that the above noted appeal may kindly be heard and decided at an early date as per the convenience of this Hon'ble Court, in the interest of justice.

Such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the present respondents and against the appellants to meet the ends of justice. It is prayed accordingly.

2. A reply to the application has been filed by the appellant Bank wherein it is stated that the ground, on which the application has been filed for the release of the money, that is ill health of

Sudesh Kumar Bhasin and the respondent No.4, is totally untenable as the ailments which they are suffering from, are common ailments at this age.

3. That apart, none of the medical documents which have been annexed with regard to Sudesh Kumar Bhasin and respondent No.4, reveals that the treatment they are taking is expensive for which the money need to be released.

4. It is also contended by the counsel for appellant, that even if the amount is released by this Court, the same should be against a security.

5. On the last date of hearing, I had called for a report from the Registry. The note of the Registry dated February 16, 2020 states that in terms of order dated December 18, 2020 an amount of Rs.40 Lacs was deposited by the appellant and the same has been converted in FDR and kept in custody of DR (Appellate).

6. Noting the fact that the amount has been directed to be deposited in this Court as per order dated December 18, 2019 and the respondents herein are the decree holders in terms of the impugned judgment/decreed dated July 12, 2019, the amount of Rs.40 Lacs only (excluding interest) shall be released to the respondents subject to they providing a security for the amount to the satisfaction of the learned Registrar General of this Court.

7. It is also made clear that the respondents shall file an undertaking within one week to the effect that in the eventuality, the appellant succeeds in the appeal, the respondents shall pay to the appellant the interest on the amount that is being released in their favour in terms of this order. It is made clear that the interest amount on the FDR shall remain deposited in the Court.

8. List on March 04, 2021 before Registrar General for compliance.

9. The application is disposed of.

10. List the appeal for hearing on August 09, 2021.

V. KAMESWAR RAO, J FEBRUARY 22, 2021/aky