

**(2006) 03 DEL CK 0050**

**In the Delhi High Court**

**Case No :** IA No. 10297 of 2005 in CS (OS) 2311 of 1993

Pure Drinks Limited and Others

APPELLANT

Vs

Project Investments Pvt. Ltd. and Others

RESPONDENT

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**Date of Decision :** 17-03-2006

**Acts Referred:**

**Citation :** (2006) 03 DEL CK 0050

**Hon'ble Judges :** Badar Durrez Ahmed, J

**Bench :** Single Bench

**Advocate :** A.S. Chandhiok, Manmeet Arora, Mahesh Chibber and Mohit Jolly, for the Appellant; Rajive Sawhney, Sr Advocate and Kajal Chandra, for Defendant No. 1 and S. Kumar, for Defendant No. 3, for the Respondent

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## **Judgement**

Badar Durrez Ahmed, J.—This is an application filed on behalf of the defendant No.1 whereby the defendant No.1 seeks the issuance of a direction to the Registry to release the amounts lying deposited in the fixed deposit receipts pursuant to orders passed in FAO(OS) 110/1999 and FAO(OS) 216/1999. The learned counsel for the plaintiffs states that he has no objection to the amount mentioned in paragraph 2 (i) being released to the defendant No.1. This amount represents the interest accrued on the sum of Rs.2.32 crores deposited in this court after 1999. Insofar as the amount mentioned in paragraph 2 (ii) of the application is concerned, the learned counsel for the plaintiff states that that amount cannot be released as that is the subject matter of FAO(OS) 216/1999 which is pending before the Division Bench. However, he submits that there is another amount of Rs.24,47,651.92 Along with interest thereon totalling to an amount of Rs.39,13,459/- which has been deposited vide order dated 04.03.1999 in this suit. This amount, according to the learned counsel for the plaintiff, can be released in favor of the defendant No.1.

2. Accordingly, this application is disposed of with the direction that the amount mentioned in paragraph 2 (i) as well as the said amount of Rs.39,13,459/- be released to the defendant No.1 through counsel. According to Mr Chandhiok,

these amounts are being released against the principal amount due. However, Mr Sawhney says that these amounts be treated as payment under the decree. Insofar as the amounts mentioned in paragraph 2 (ii) of the application are concerned, that has not been dealt with in this application and it is subject to the orders that may be passed by the Division Bench. The parties are at liberty to move an appropriate application in respect thereof after the Division Bench passes the orders. The amounts indicated above be released by the Registry within a week.

This application stands disposed of.