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

+ **W.P.(C) 8245/2016 & CM No.34173/2016**

KSIHAN LAL

..... Petitioner

Through : Mr. Hashbir Singh Kohli, Advocate.

versus

DELHI FINANCIAL CORPORATION AND ORS..... Respondents

Through : Mr. Rajan Tyagi with Mr. R.K. Sharma
and Mr. Desh Deepak, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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06.10.2016

1. Vide order dated 21.9.2016, notice was issued on the present petition returnable for today. Pursuant thereto, counsel for the respondents enters appearance.
2. When the case was taken up prior to the lunch recess, learned counsel for the petitioner had pointed out that though the impugned notice dated 3.5.2016 issued to the petitioner by the respondent No.2 had called upon him to appear on 25.5.2016, but surprisingly, warrants of arrest were issued against petitioner two days prior thereto, on 23.5.2016, as would be apparent from a perusal of the proceedings held before the respondent No.2 on 23.5.2016 (Annexure-L).
3. At that stage, learned counsel for the respondents had requested that the matter may be passed over to enable him to obtain clear instructions.

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4. In the post lunch session, it is stated on behalf of the respondents that one of the guarantors of the loan amount, Shri Ram Kumar had appeared before respondent No. 2 on 23.5.2016 and deposited a sum of Rs.4,000/- in cash and on the said date, due to oversight the respondent No.2 had issued warrants of arrest against the petitioner, though the date of appearance communicated to him, vide notice dated 3.5.2016, was 25.5.2016. He submits that he has instructions from the respondent No.2 to the effect that no coercive steps shall be taken against the petitioner in terms of the order dated 23.5.2016. Further, the court is informed that the proceedings are listed before the respondent No.2 on 21.10.2016. This fact is not to the knowledge of the petitioner.

4. Counsel for the petitioner states that now that he has been intimated the next date of hearing, his client shall appear before the respondent No.2 on 21.10.2016.

5. Counsel for the respondent No.2 submits that for the convenience of the petitioner and keeping in mind the fact that the festive season has already commenced, the respondent No.2 shall fix one more date for the petitioner to appear before him on 3.11.2016, which will give him ample time to submit a reply.

6. The petitioner is directed to appear before the respondent No.2 on 21.10.2016 and on 3.11.2016 or any further dates as may be fixed by the respondent No.2. In the event the petitioner is aggrieved by the decision that may be taken by the respondent No.2, he shall be entitled to seek his remedies as may be available to him in the statute.

7. Nothing further survives for adjudication in the present proceedings. Accordingly, the petition is disposed of, along with the pending application.

HIMA KOHLI, J

OCTOBER 06, 2016

sk/ap

