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

+ C.R.P. 1/2016

PRAKASH CHAWLA

..... Petitioner

Through: Mr. Pankaj Gupta, Advocate

versus

HDFC BANK LIMITED

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

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05.01.2016

CM APPL.197/2016/2015 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

C.R.P. 1/2016 and CM APPL.196/2016 (stay)

1. I have heard the learned counsel for the petitioner. The learned counsel for the petitioner has contended that there is admission on the part of the respondent/defendant with regard to the fact that so far as the loan account in respect of purchase of a Truck bearing No.HR-38N-3113 is concerned there is no outstanding balance. It has been accordingly contended that the respondent/defendant was under an obligation to have issued a NOC to the petitioner and since this was not done, the petitioner was constrained to file a suit for mandatory injunction praying for a mandate to be issued to the respondent for issuing a necessary NOC and other loan charged documents to the petitioner so as to enable him to dispose of the truck in question.

2. I have considered the submission. I have been also taken through the pleadings of the parties. However, I find myself unable to agree to the submission of the learned counsel for the petitioner that there is any unequivocal, unambiguous or a categorical admission as is sought to be attributed to the respondent/defendant.

3. Therefore, in my considered opinion, no judgment and decree as prayed for by the petitioner under Order 12 Rule 6 CPC could have been passed. The learned trial Judge has rightly rejected the application of the petitioner. There is no jurisdiction error, illegality and impropriety in rejection of the application of the petitioner.

4. Accordingly the present petition is dismissed.

5. Pending application also stands disposed of.

V.K. SHALI, J.

JANUARY 05, 2016

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