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

+ **W.P.(C) 12351/2015**

RAJ BAHADUR & ANR.

..... Petitioner

Represented by: **Mr.Krishan Pal, Advocate**

versus

ORIENTAL BANK OF COMMERCE & ORS. Respondents

Represented by: **Mr.H.P.Bhardwaj, Advocate**
for R-1

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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04.02.2016

1. Notwithstanding various issues raised in the writ petition, at the hearing today learned counsel for the writ petitioners presses only one concerning original title deeds submitted by the petitioners to the respondent No.1 . Counsel states that he has been instructed to state that if the bank returns the original title deeds, the petitioners are willing to satisfy the sum decreed against them.

2. Learned counsel for the respondent bank points out the pleadings in the writ petition itself , which are suggestive of the fact that the original title deeds were not only filed before the Debts Recovery Tribunal but were even exhibited. The sale-deed dated October 29, 1990 is exhibited as Ex.PW-2/6.

3. It would therefore be useless for this Court to continue with the writ petition for the reason the petitioners have to move an application before the Debts Recovery Tribunal calling upon the Tribunal to direct the Registry to trace the original documents which were filed by the bank and thereafter tender the amount payable, with a request to the Tribunal to return the

original documents of title, for which we record statement made by learned counsel for respondent No.1 that if the petitioners pay the outstanding amount, the bank would make a statement before the Tribunal that the original title deed(s) may be returned to the petitioners.

4. The proceedings in the writ petition are therefore terminated observing that upon the petitioners filing an application before the Debts Recovery Tribunal, the original title deed of the mortgaged property which has been filed before the Tribunal by the bank shall be traced out and returned to the petitioners after obtaining satisfaction from the respondent No.1 bank that the decretal sum has been paid to the bank by the petitioners.

5. No costs.

CM No.32814/2015 & CM No.4221/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 04, 2016

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