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

+ W.P.(C) 913/2017

RAM KUMAR & ANR Petitioner

Through Mr. Rohit Oberoi, Advocate

versus

DCB BANK LTD Respondent

Through None

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V.KAMESWAR RAO

ORDER

% **06.02.2017**

WP(C) 913/2017 & CM No. 4565/2017 (for direction)

In this application, the petitioners have sought directions on the respondent bank to restore possession of the petitioners of their sole residential house being plot No. 9, Ground Floor, Block –E, Pocket-3, Sector-11, Rohini, Delhi -110085 (hereinafter referred to as “the said property”).

We need not go into details of facts. Suffice it to mention that the petitioners had obtained housing loans for which the said property had been offered by way of security. The respondent bank initiated

proceedings to take over the said property under the SARFAESI Act. The writ petitioners approached the Debt Recovery Tribunal-III, New Delhi under the provisions of Section 17 of the SARFAESI Act whereupon an order was passed on 1.12.2016 directing the writ petitioners to pay 50% of the defaulted amount within 15 days and the balance within one month thereafter.

According to the petitioners, the petitioners deposited 50% of the defaulted amount on 14.12.2016 i.e. within 15 days. However, there was a dispute as the respondent bank claimed that the writ petitioners were liable to pay about Rs. 4,30,559/- more. It is alleged that on 24.12.2016, the writ petitioners were dispossessed from the residential house along with their mentally disabled child without any notice or intimation. It is further alleged that, since 24.12.2016, the writ petitioners have virtually been on the streets taking shelter from one friend or relative or well wisher to another.

There can be no doubt that there is urgency in this matter, inasmuch as the writ petitioners have, however, been dispossessed from their shelter. The petitioners have filed an application being IA

No. 8586/2017 before the Debt Recovery Tribunal seeking identical reliefs. The said application has been directed to be listed on 14.2.2017 for reply and also for further hearing. The respondent bank has duly been appearing before the Debt Recovery Tribunal.

We dispose of this application along with the writ application by directing the Debt Recovery Tribunal to positively dispose of the application on the date fixed for hearing i.e. 14.2.2017.

A copy of this order be given *Dasti* under the signatures of Court Master.

INDIRA BANERJEE, J

V.KAMESWAR RAO, J

FEBRUARY 06, 2017

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