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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 88/2017
PNB HOUSING FINANCE LIMITED Petitioner
Through: Appearance not given.

versus

P K CHACKO & ORS. Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **11.12.2017**

This petition under Section 9 has been filed inter alia praying for following:-

“a) Pass an order to the respondents to file an affidavit giving full details and particulars of all their respective moveable, immovable, tangible and intangible assets including bank accounts and demat accounts within such time as this Hon'ble Court deems fit and proper.

b) Pass an ad interim exparte order to restrain the Respondents from disposing off, selling, alienating, transferring or creating any encumbrance, charge or third party interest in any manner, whatsoever; in respect of the property bearing no PROPERTY NO.- 1097, HOSUR SARJAPUR ROAD, 19TH CROSS ROAD HSR 3RD SECTOR BANGLORE, KARNATAKA-560102.

c) Restrain the Respondents in respect of the property

bearing PROPERTY NO.-1097, HOSUR SARJAPUR ROAD, 19TH CROSS ROAD HSR 3RD SECTOR BANGLORE, KARNATAKA-560102, from disposing off, selling, alienating, transferring or creating any encumbrance, charge or third party interest in any manner, whatsoever;

d) Pass a direction to the respondents to furnish security before this Hon'ble Court for repayment of the outstanding loan amount”.

This court while its order dated 21.02.2017 had restrained the respondent from selling, alienating, transferring or in any manner creating any charge, encumbrance or third party interest, whatsoever, in respect of the said property bearing No. 1097, Hosur Sarjapur Road, 19th Cross Road HSR 3rd Sector Bangalore, Karnataka-560102.

At the request of the parties, they were referred to the Delhi High Court Mediation and Conciliation Centre, New Delhi for exploring possibility of amicable settlement on 31.08.2017. Mediation report dated 16.11.2017 has been received stating that the mediation proceedings were “Non-Starter”.

None Appears for the respondent.

It is pointed out by the learned counsel for the petitioner that an arbitrator has been appointed for adjudication of the disputes that have arisen between the parties in relation to “Loan against Property” financing facility agreement dated 30th September, 2015.

In view of the above, I confirm the interim order dated 21st February, 2017, granting liberty to the respondent to seek its

modification / vacation before the arbitrator.

The arbitrator shall adjudicate the disputes, without being influenced by any observation in the order dated 21st February, 2017 or the present order.

The petition is disposed of in the above terms.

NAVIN CHAWLA, J

DECEMBER 11, 2017/rv