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

+ W.P.(CRL) 1106/2016

VINOD KUMAR JINDAL Petitioner

Through: Mr.Mukesh Gupta, Advocate with
Ms.Shashi Gupta, Advocate

versus

DCB BANK LIMITED & ANR Respondents

Through: Mr.R.P.Agarwal & Mr.Sahil,
Advocates for ARCIL

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.11.2017

CrI.M.A.19134/2016

1. By way of this application filed under Section 482 Cr.P.C., the applicant, Asset Reconstruction Company (India) Ltd. (ARCIL) is seeking substitution in place of DCB Bank Ltd. as respondent No.1 in the present writ petition.

2. The ground sought for substitution is that vide Deed of Assignment duly registered as document No.15/4301/2016 dated 2nd June, 2016 in the office of Sub Registrar, Mumbai, the DCB Bank Ltd has assigned all its rights, titles, interests and benefits in respect of the loan account of Sh.Pramod Kumar and all its right, title and interests in all agreements, deeds, documents and benefits under the decree and/or recovery certificate

issued by any Court/authority and/or Tribunal to the present applicant i.e. ARCIL.

3. The application is allowed and name of the applicant ARCIL is substituted as respondent No.1 in the present writ petition.

4. The amended memo of parties has been filed today in the Court and the same is taken on record.

5. The application stands disposed of.

W.P.(CRL) 1106/2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. , petitioner has made the following prayers:-

- a) To quash the order dated 17th March, 2016 passed by learned Chief Metropolitan Magistrate, Shahdara, Karkardooma Courts, Delhi;
- b) To direct the Chief Metropolitan Magistrate, Shahdara, Karkardooma Courts, Delhi to decide the objection petition of the petitioner on merits.

2. The impugned order dated 17th March, 2016 reads as under:-

“17.03.2016

*Present: Shri Vinod Kumar, Applicant/objector with
Ld.counsel Shri Manoj Arora
Sh.Vipin Kalra Ld.Counsel for DCB Bank
alongwith Sh.Shyam Sunder Chandhok, AR of
DCB Bank*

Ahlamd to register/number this application.

Ld. DRT-III, Delhi has passed an order in the present matter as per which the borrower has been directed to vacate the premises and hand over the vacant, peaceful and physical possession of the Bank within a period of two weeks. This order was passed on 11.03.2016. However, the Bank is willing to give time to the objector as well as the borrower to vacate the premises in question till 27.03.2016.

Accordingly, it is directed that vacant, peaceful and physical possession of premises in question, shall be handed over by the borrower as well as objector who is elder brother of objector, to bank latest by 28.03.2016, failing which the receiver shall be entitled to recover the possession of premises.

At the same time, if the objector and his brother proposes any buyer for this property, same shall be considered in a positive manner by the Bank. In view of the above, present application is disposed of and be consigned to record room alongwith main file.

Copy of order be given dasti to learned counsel for DCB Bank/AR of the DCB Bank.

*Sd/-
CMM, Shahdara,
KKD Courts, Delhi”*

3. Today learned counsel for the petitioner submits that the matter has been settled and all the dues have been paid.
4. Learned counsel appearing on behalf of the substituted respondent does not dispute that the matter has been settled amicably. It is submitted by the learned counsel for the respondent that ‘No Dues Certificate’ has been issued to the petitioner.
5. In view of the amicable settlement, today learned counsel for the petitioner seeks permission to withdraw this petition.
6. The writ petition is dismissed as withdrawn.

CRL.M.A.5696/2016

Dismissed as infructuous.

PRATIBHA RANI, J

NOVEMBER 17, 2017
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