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

+ O.M.P.(I) 162/2015

MAGMA HOUSING FINANCE Petitioner
Through Mr. Sumit Goswami, Mr. Tanuj
Aggarwal and Mr. Ankit prakash, Advs.

versus

MANOJ KUMAR PRUTHI Respondent
Through Mr. Sanjay S. Chhabra and Mr. Rahul
Chaprana, Advs. for R-1
Mr. Abhimanyu Walia, Adv. for R-2A to 2E.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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03.05.2017

IA No. 5419/2017 (exemption)

Allowed subject to just exceptions.

I.A. No. 5420/2017 (for condonation of delay)

This is an application seeking condonation of delay of two days in filing the accompanying application.

For the reasons stated in the application, the delay is condoned.

The application is allowed.

I.A. No. 5418/2017

This is an application under Section 151 CPC by which the petitioner seeks to withdraw the present petition. It is stated that during pendency of the present petition, the petitioner has initiated proceedings under

SARFAESI Act by issuing a notice dated 09.02.2016 to the respondents. Thereafter, the petitioner has also filed a petition under Section 14 of the SARFAESI Act for taking possession of the mortgaged property. In the meantime, respondent No. 1 has filed an S.A. under Section 17 of the said Act for quashing the order dated 01.07.2016 which is pending adjudication before the DRT

Learned counsel appearing for respondent No. 1, however, submits that any such withdrawal has not to modify the directions given by this court vide its order dated 27.07.2016. As per the said order dated 27.07.2016, this court had directed the petitioner to file the original documents which are in its power and possession. A direction was also given to respondent No. 1 to give his specimen signatures as well as copy of his passport, which along with the original documents be sent to CFSL for the purpose of comparison thereof with the disputed signatures on the original documents.

It is appropriate that CFSL report when ready be filed before the concerned DRT i.e. DRT I. which is hearing the two SAs being S.A. No. 180/2016 titled as “Mrs. Savitri Pruthi & Ors. vs. M/s Magma Housing Finance Ltd.” and S.A No.286/2016 titled as “Manoj Kr. Pruthi vs. M/s Magma Housing Finance Ltd.”. The necessary directions in this regard may be sent to CFSL. CFSL is also requested to expedite its report in this regard.

Accordingly, subject to the above directions, the request of the petitioner is allowed and the petition is dismissed as withdrawn.

Copy of this order be given dasti to the learned counsel for respondent No. 1 for service on CFSL.

Learned counsel for respondent No.1 submits that the original documents are lying with this Court as CFSL had returned it back.

List this matter before the Joint Registrar on 17.05.2017. He may on receipt of the certified copies of the documents transmit these original documents to CFSL.

Interim orders stand vacated.

JAYANT NATH, J

MAY 03, 2017
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