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

+ CM(M) 1314/2013

INDIA SME ASSET RECONSTRUCTION COMPANY.... Petitioner

Through Mr.Ravi Gupta, Sr.Advocate with
Mr.Ankit Jain & Mr.Vikas A.,
Advocates

versus

SMT OM KUMARI SETHI & ORS Respondents

Through Ms.Payal Juneja, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **08.03.2017**

By the present petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 03.08.2013 by which the trial court has restrained defendant No.4/petitioner not to sell the property or create any third party interest in the suit property. Liberty was granted to defendant No.4/petitioner to take recourse to SARFAESI Act. It was clarified that the petitioner can take possession of the suit property but cannot create any third party interest till further orders.

It is admitted between the parties that an auction has already been held of the said property but the sale certificate has not been issued. Some of the respondents filed objections to the sale of the property before the DRT. It is manifest that the DRT is the appropriate court under the SARFAESI Act to deal with the objections. Hence, the impugned order to the extent it

restrains the petitioner to create third party interest is set aside. The petition is disposed of without prejudice to the rights and contentions of the parties before the DRT. Petitioner is free to take action in accordance with law.

All the pending applications are also disposed of.

Dasti.

JAYANT NATH, J.

MARCH 08, 2017/v