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

+ W.P.(C) 4099/2017 & C.M. No. 17979/2017

PUSHPENDER SINGH Petitioner

Through: Mr. Vineet Chadha and
Mr. Vijay Kumar, Advocates,

versus

CENTRAL BANK OF INDIA Respondent

Through: Mr. S.A. Khan, Advocate with
Mr. J.C. Bunkar, Chief Manager, Central Bank of
India

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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15.05.2017

1. This order is in continuation of the order dated 12.5.2017, on which date it had been enquired from learned counsel for the petitioner if his client was ready and willing to pay 25% of the demand notice issued by the respondent/Bank, which would come to Rs.10 lacs (approximately).
2. Learned counsel for petitioner had stated on instructions from his client that he may be granted some reasonable time to do so. To test the *bonafides* of the petitioner, he was permitted to bring with him a demand draft of Rs.5 lakh drawn in favour of the respondent/Bank, on the next date of hearing i.e., today and it was further observed that only thereafter would

his request for making staggered payment in respect of the balance amount of Rs.5 lakhs, be considered.

3. It is 3.30PM now but learned counsel for the petitioner states that his client has yet to arrange the funds. The petitioner is not even present in court.

4. Learned counsel for the respondent states that the malafides of the petitioner can be seen from the fact that he has withheld material information from the court to the effect that on 08.5.2017, when the Receiver had visited the subject premises for taking over physical possession, the petitioner and his family members had signed a document that they will hand over the peaceful possession of the subject premises to the Receiver, without seeking any further time for any reason, if granted time upto 12.5.2017. Instead of abiding by the said undertaking, the petitioner filed the present petition on 11.5.2017 and the same was listed for admission on 12.5.2017.

5. There is not a whisper in the petition with regard to the aforesaid undertaking given by the petitioner to the Receiver. The document written in hand by the petitioner on 08.5.2017 and duly signed by him and his family members is handed over by learned counsel for the respondent and is taken

on record.

6. Counsel for the petitioner states that he was not informed about execution of any such document by the petitioner.

7. Having regard to the aforesaid conduct of the petitioner in failing to bring the demand draft of Rs.5 lakhs today, despite an assurances given on the last date, we see no reason to grant him any further indulgence. We decline to interfere in the impugned order dated 05.5.2017 passed by the learned DRAT dismissing the petitioner's appeal for failure to deposit 25% of the demanded amount.

8. The petition is dismissed along with the pending application.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 15, 2017

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