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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6038/2017 & CMs 25066-67/2017**
MANISHA SHARMA Petitioner

Through : Mr. Manu Sisodia with
Mr. Mahendra Bairwa, Advocates

versus

PUNJAB NATIONAL BANK & ORS Respondents

Through : Mr. M.K. Kalra with
Mr. S.N. Relan, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **18.07.2017**

1. The petitioner is aggrieved by the orders dated 9.3.2016 and 12.5.2016 passed by the Recovery Officer in RC No.74/2015, filed by the respondent No.1/Bank against her.
2. Vide order dated 9.3.2016, the Recovery Officer had dismissed the objections filed by the petitioner on account of non-appearance on three running dates and directed the Registry to issue a sale proclamation notice in respect of the subject premises, namely, first floor of premises No.143, Ram Gali, Old Gupta, Colony, Delhi. Vide order dated 12.5.2017, the objections filed by the petitioner and two others were dismissed with an observation that the subject property was put to auction on 5.8.2016 and sold in favour of Mr. R.K. Jain for a sum of Rs.23.35 lacs.
3. Counsel for the respondent No.1/Bank, who appears on advance notice, opposes the maintainability of the present petition on the ground that the remedy of the petitioner lies before the DRT by filing an appeal against the impugned orders, which she has failed to invoke.

4. After addressing arguments for some time, counsel for the petitioner states that he may be permitted to withdraw the present petition, while reserving the right of his client to approach the DRT against the impugned orders. He however states that the Court Receiver has issued a notice dated 1.7.2017, calling upon the petitioner to vacate the subject premises within one week and handover possession thereof on or before 8.7.2017, failing which coercive steps shall have to be taken. He states that the petitioner may be granted at least three weeks' time to take steps to approach the DRT against the impugned orders.

5. Having regard to the fact that the petitioner was well aware of the consequences of the dismissal of her objections in terms of the order dated 12.5.2017 and further, she was aware of the notice dated 1.7.2017 issued by the Recovery Officer calling upon her to vacate the subject premises by 8.7.2017, we are only inclined to grant her protection for a period of one week reckoned from today. The Court Receiver shall not take any coercive steps in respect of the first floor of the premises No.143, Ram Gali, Old Gupta, Colony, Delhi, till 25th July, 2017 so as to enable the petitioner to seek her legal remedies against the respondent/Bank before the appropriate forum.

6. The petition is disposed of, along with the pending applications.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 18, 2017/sk/rkb