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

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Date of Decision: 03rd March, 2017

+ **FAO 36/2017 and C.M. Appl. 2502/2017, 2505/2017**

RANI MISHRA

..... Appellant

**Through: Ms. Vibha Mahajan Seth, Adv.
for DHLSC**

versus

ROHSANI SHARMA & ANR.

..... Respondents

Through: Mr. J.P. Sharma, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

1. The appellant has challenged the order dated 27th October, 2016 whereby the learned Trial Court vacated the interim order dated 26th September, 2012 restraining the appellant from creating third party interest or parting with the possession of the suit property.

2. The appellant present in Court along with her counsel appointed by Delhi High Court Legal Services Committee submits that respondent no.1 has amended the plaint to add the prayer of the refund of earnest money along with the liquidated damages from the appellant.

3. Learned counsel for respondent no.2 submits that appellant availed loan from respondent no.2 by mortgaging the suit property and respondent no.2 has initiated proceedings under the SARFAESI Act

before the Debt Recovery Tribunal which are pending. It is submitted that this appeal is not maintainable.

4. There is no merit in this appeal which is dismissed. The pending applications are also dismissed.

5. The appellant is at liberty to pursue the appropriate legal remedies available to her in accordance with law before the learned Trial Court and/or the Debt Recovery Tribunal.

MARCH 03, 2017
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J.R. MIDHA, J.

