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

+ **W.P.(C) 1609/2018**

JASBIR MATHUR

..... Petitioner

Through: Mr. Mukul Gupta, Sr. Advocate with
Mr. Tushar Gupta, Mr. Sumit Mishra
and Mr. Deepanshu Panwar,
Advocates
Mr. Jasbir Mathur, Petitioner in
person

versus

D.C.B. BANK LTD.

..... Respondent

Through: Mr. Rajat Katyal, Advocate with Mr.
C.K. Bhati, Advocate and Mr.
Jyotirmay Mishra, AR of the
Respondent Bank

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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09.03.2018

CM 6620/2018 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(C) 1609/2018 & CM 6619/2018 (Stay)

An affidavit of undertaking dated 23.02.2018 has been filed by Mr. Jasbir Mathur, the petitioner herein.

A perusal of the same reflects that the petitioner undertakes that the amounts due on the date of payment towards foreclosure of the loan facility

W.P.(C) 1609/2018

Page 1 of 3

bearing Nos.HHOMDEL00034064 and HHOMDEL00034062, shall be paid by him to the respondent bank on or before 31.03.2018. It has been further undertaken on behalf of the petitioner that the amounts as due on the date of payment towards foreclosure of the loan facility bearing No.HHOMDEL00031191, shall be paid by him to the respondent bank on or before 30.04.2018. The petitioner has furthermore undertaken that till such time the respective amounts are foreclosed in the above manner, he shall continue to pay the respective EMIs towards the three loan facilities, as per the loan schedule, at the agreed time. Lastly, it has been undertaken on behalf of the petitioner that if he fails to adhere to any of the above stated undertaking, the respondent bank shall be entitled *ex debito justitiae* to take over possession of the subject property and that the petitioner shall hand over the same to them without demur.

Ordered accordingly.

Learned counsel appearing on behalf of the respondent bank states that the proposal contained in the said affidavit of undertaking is acceptable to them.

The affidavit of undertaking, which is on record, is hereby accepted, directing the petitioner to comply with his obligations thereunder, without demur.

Learned counsel appearing on behalf of the respondent bank states that subject to the petitioner complying with their undertaking, they shall not press the appeal instituted on their behalf and shall withdraw the same upon receipt of the final payment in terms thereof.

With the above directions, the appeal is disposed of. The pending application also stands disposed of.

SIDDHARTH MRIDUL, J

SANGITA DHINGRA SEHGAL, J

MARCH 09, 2018

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