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

+ **W.P.(C) 7232/2019**

SMT. SURINDER KAUR AND ANR. Petitioners

Through: Mr. Praveen Suri, Advocate.

versus

M/S R B L BANK LIMITED AND ORS. Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

08.07.2019

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CM APPL. 30059/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7232/2019 and CM APPL. 30060/2019 & 30061/2019

The petitioners have preferred the present writ petition to assail the order dated 18.02.2019 passed by Debts Recovery Tribunal-III, Delhi in S.A. No. 64/2018 preferred by the petitioners.

By the impugned order, the Tribunal has rejected I.A. No. 241/2019 moved by the petitioners for impleadment of DDA on the ground that the mortgaged property - whereof 7/8th share is stated to have been mortgaged in favour of the secured creditor, was still undivided and is in the name of Veer

Pratap Singh. The Tribunal has rejected the application by observing that there is no need to implead the DDA as a party and, in case, the petitioners wish to rely upon, or produce any evidence in power and possession of the DDA, the same could be summoned from the DDA.

The submission of learned counsel for the petitioners is that the mortgaged property is not a freehold property and, according to him, the creation of mortgage itself is illegal.

Be that as it may, in our view, the Tribunal has rightly rejected the petitioners' application for impleadment of DDA as a party. No relief is sought against the DDA and merely because the property may be leasehold, is no reason to implead the DDA as a party in the proceedings before the DRT.

We find no merit in this petition.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 08, 2019

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