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

+ W.P.(C) 8991/2019

ANIL ARORA & ORS

..... Petitioners

Through: Mr. Sanjeev Bhandari, Mr. Prateek
Kumar, Mrs. Priyadarshini Verma
and Mr. Kunal, Advocates.

versus

UNION BANK OF INDIA & ANR

..... Respondents

Through: Mr. Janendra Lal and Ms. Yasmin
Tarapore, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

20.08.2019

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C.M. No. 37116/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 8991/2019 & C.M. No. 37115/2019

Issue notice. Notice is accepted by Mr. Lal on behalf of respondent No. 1. Respondent No. 2 is a proforma respondent. We, therefore, dispense with the service of respondent No. 2.

The petitioner has preferred the present writ petition to assail the order dated 09.05.2019 passed by the Recovery Officer-II, Debts Recovery Tribunal-III in RC No.50/2011, ***UBI Vs. Adwait Steels***.

By the impugned order, the Recovery Officer has appointed Shri Kuldeep Kumar Sharma, Advocate as the Receiver to take physical possession of property admeasuring 1608 sq.yds. falling in Khasra No.49, Village Madanpur Dabas, Delhi.

Mr. Lal, at the outset, submits that the petitioner has statutory remedy, namely of preferring objections before the Recovery Officer, which are pending consideration.

Mr. Bhandari submits that during pendency of the objections, status quo should be maintained with regard to the possession and the petitioner should not be dispossessed. He further submits that this Court had passed a judgment & decree dated 22.11.2002 in Suit No.1424/1993 in favour of the respondent bank for Rs.9,98,782/- with interest @ 15% per annum from the date of filing of the suit till realisation. The Court also ordered sale of the mortgaged property in the eventuality of the decree not being satisfied.

Mr. Bhandari submits that the Recovery Officer should compute the outstanding liability strictly in terms of the decree.

In the light of the aforesaid, we dispose of this petition by directing the Recovery Officer to proceed to dispose of the petitioner's objections after hearing the parties. During pendency of the objections, status-quo shall be maintained with regard to the property of the petitioner, including the property which is stated to be mortgaged and the adjoining property as well. The Recovery Officer shall compute the liability strictly in terms of the decree.

Order dasti under the signatures of the Court Master.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

AUGUST 20, 2019

B.S. Rohella