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

+ W.P.(CRL) 1355/2018

BALJINDER SINGH & ANR Petitioners
Through: Mr P. Bhattacharya, Advocate.

versus

KARVY FINANCIAL SERVICES LTD Respondent
Through: Mr Ashwani Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **28.08.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:

- “(i) For the issue of a writ of Certiorari quashing the order dated 18.04.2018 passed by the Ld.CMM;
- (ii) For Restraining the Receiver to take possession of the Second and Third Floor of the Property bearing Plot No. 2 Sukh Vihar New Delhi on 02.05.2018;
- (iii) To maintain status quo and interim relief may be passes till this petition is decided;”

2. The learned counsel appearing for the petitioners states that the petitioners seek to press prayer (ii) and prayer (iii), that is, to restrain the receiver from taking possession of the Second and Third Floor of the property bearing Plot No. 2, Sukh Vihar, New Delhi and to maintain the *status quo* with regard to the same.

3. The learned counsel appearing for the respondent points out the order

dated 01.05.2018 passed by the Debt Recovery Tribunal, Delhi in SA No. 2/2018. The relevant extract of the said order is set out below: -

- “3. During the course of arguments Ld. Counsel for the respondent FI informed that entire property is mortgaged with the bank. Initially the property consisting only two floor however, subsequently the same was renovated in 4 floors however he conceded that the respondent will take possession of Upper Ground Floor, 1st Floor and 3rd Floor at this stage and after disposal of the said part property in case any amount remain due then the respondent will take possession for the remaining part of the property.”
4. It is apparent from the above that the petitioners had conceded to the respondent taking over the possession of the Upper Ground Floor, First Floor and Third Floor and to dispose of the said property. It is also stated that the possession of the said floors has already been taken over by the respondent bank.
5. In view of the above, the aforementioned prayers made by the petitioners cannot be entertained.
6. The petition is, accordingly, dismissed.

AUGUST 28, 2019
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VIBHU BAKHRU, J