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

+ **W.P.(C) 2758/2020**

UMA SINGHAL & ANR. Petitioners
Through: Dr. Sarbjit Sharma, Advocate.

versus

INDIABULLS HOUSING FINANCE LTD & ANR. Respondents
Through: Mr. Sunil Dalal, Ms. Sangeeta Sondhi,
Mr. Kashish Narang and Mr. Devashish
Bhadauria, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **12.03.2020**

Caveat No. /2020 (to be numbered)

1. Appearance is entered on behalf of the caveator, who states that a complete set of the paper book has been served on him.
2. In view of the above, the caveat stands discharged.

W.P.(C) 2758/2020, C.M. No. 9625/2020 (by the appellant for interim directions), C.M. No. 9626/2020 (Exemption) and C.M. No. 9627/2020 (by the appellant for grant of leave)

1. The petitioners (wife and son respectively of the respondent No.2) are aggrieved by an order dated 29.2.2020, passed by the learned DRT-I, Delhi dismissing an application filed by them in SA No. 42/2020 praying *inter*

alia for granting them adequate protection and restraining the respondent No.1 from dispossessing them from premises No. B-52, New Krishna Park, Vikas Puri, New Delhi. It is not in dispute that vide order dated 15.1.2020 passed by the learned ACMM, Dwarka Court, New Delhi, liberty was granted to the respondent No.1 to take over possession of the captioned premises through a Local Commissioner.

2. We may note at the outset that the Registry has raised an objection with regard to the maintainability of the present petition in this court in view of the fact that the petitioners have a statutory remedy of preferring an appeal against the impugned order before the DRAT.

3. Dr. Sharma, learned counsel for the petitioners states that the petitioners are not in a financial position to make a pre-deposit of any amount for the appeal to be entertained by the DRAT and they have therefore, approached this court by filing the present petition.

4. Just last month, the petitioners had filed W.P.(C.) No. 1475/2020, praying *inter alia* for restraining the respondent No.1 from taking possession of the subject premises, which was disposed of vide order dated 11.2.2020, with two days granted to them to approach the DRT for appropriate relief and in the meantime, the Receiver was directed not to take possession of the premises for a period of one week. It was stated by Dr. Sharma that pursuant to the aforesaid order, the petitioners had moved I.A. No. 244/2020 before the DRT on which the impugned order dated 29.2.2020, has been passed.

5. In view of the fact that several disputed questions of facts have been raised in the present petition including allegations of forged signatures on the documents of loan, we decline to entertain the same. Instead, liberty is

granted to the petitioners to approach the DRAT, if aggrieved by the order dated 29.2.2020.

6. Learned counsel for the petitioners seeks a reasonable time for the petitioners to take appropriate steps to approach DRAT for appropriate relief.

7. It is directed that if the petitioners take steps within five working days to file an appeal alongwith a stay application, the respondent No.1 shall not take any coercive steps against the petitioners in respect of the subject premises till the stay application is decided. Learned counsel for the petitioners states that the petitioners will approach the DRAT for seeking waiver of the pre-deposit amount. It is for the petitioners to make such a request before the DRAT and it is left to the DRAT to consider the same and take a decision in accordance with law. The DRAT is requested to take up the interim application that the petitioners propose to file with the appeal and decide the same as expeditiously as possible.

8. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

ASHA MENON, J

MARCH 12, 2020

ap/NA/hsk