

CWP-22019-2020

Date of decision: 07.01.2021

Sonu and others

...Petitioners

Versus

HDFC Bank Ltd.

....Respondent

**CORAM:HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sameer S. Tiwari, Advocate
for the petitioners.

Mr. Manish Jain, Advocate
for the respondent.

AJAY TEWARI, J. (ORAL)

1. This petition has been filed challenging the action of the respondent-bank in taking possession of the mortgaged property.
2. On 05.01.2021, the following order was passed:-

“Mr. Manish Jain, Advocate who is appearing for respondent No.1 states that the petitioners have not disclosed that they have filed SA bearing No.44 of 2020 before the Debt Recovery Tribunal. He further states that the petitioners have not made any deposit pursuant to the last order.

Learned counsel for the petitioners states that he has no knowledge of such application.

Adjourned to 07.01.2021 to enable learned counsel for the petitioners to ascertain whether this is correct.”

3. Today, learned counsel for the petitioners states that it is correct that the petitioners had filed SA No.44 of 2020 and prays for withdrawal of the writ petition.
4. Learned counsel for the respondent has strongly pressed that this petition should be dismissed with costs as the petitioner intentionally does not disclose the factum of filing of the SA.

5. Though there is merit in the case yet we would refrain from doing so. Consequently, the petition is dismissed.

6. Since the main case has been decided, the pending miscellaneous application(s), if any, also stands dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

07.01.2021
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No