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

% Judgment delivered on: 17.03.2023

+ CM(M) 430/2023

SH NAVEEN GUPTA

..... Petitioner

versus

STATE BANK OF HYDERABAD AND ORS Respondent

Advocates who appeared in this case:

For the Petitioner : Ms. Mallika Gupta and Ms. Jyoti Nambiar, Advocates

For the Respondent : None

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 13056-57/2023 (Exemption)

1. This is an application seeking exemption from filing certified copies of the annexures/documents.
2. Exemption is allowed, subject to all just exceptions.
3. The applications stand disposed of.

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4. The grievance raised in the present petition by the petitioner is that the Securitisation Application (SA) No. 326/2013 has been pending before the learned Debts Recovery Tribunal-III, Delhi (in short "DRT")

from the last ten years, however, no effective orders thereon have been passed till date.

5. Ms. Mallika Gupta, learned counsel submits that this is a case where the petitioner is a complete stranger, in that, he is neither the borrower nor the guarantor to the transaction involving the respondent no.1 on the one hand and respondents no.2 to 4 on the other.

6. Ms. Gupta, learned counsel submits that by fraud, the title documents of the subject suit property belonging to the petitioner were utilized by respondents no.2 and 4 to avail of certain loan amount from respondent no.1. It was only when respondent no.1, in pursuance of the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, came to take possession and indeed took possession of the subject suit property, that the petitioner came to know about the fraud that had taken place.

7. Learned counsel submits that in order to take redressal steps, petitioner had filed the aforesaid securitisation application.

8. Learned counsel also submits that the petitioner had taken pains to place on record, title documents, as also the correspondence issued by the DDA and other local concerned authorities to establish that the title documents of the petitioner were in fact forged and utilized by respondents no.2 to 4 to purportedly avail the loan from respondent no.1. Learned counsel submits that from last ten years, the petitioner has been without possession of his own property and is suffering on that account.

9. Learned counsel submits that a direction to the DRT to take up the securitisation application and dispose of the same in accordance with

law would suffice.

10. Learned counsel for the petitioner submits that advance notice of the present petition has been served upon the counsel for respondent no.1 via whatsapp message which is enclosed with the present petition.

11. This Court proceeds to dispose of the instant application in accordance with Delhi High Court Circular No. 69/Rules/DHC dated 05.12.2019, which reads as under:-

“5. Appearance on the first date of listing:-

(a) Where a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 is filed, any opposite party desiring to oppose any of the prayers made in such petition or in any interim application accompanying such petition shall appear personally or through counsel to make submissions as he / she may desire before the Court.

(b) In case any opposite party does not appear before the Court upon advance service of the petition, the Court may not issue any further notice to such opposite party and may pass any order(s) as it may deem fit and proper in the facts and circumstances of the case.”

12. Keeping in mind the fact that no purpose would be served in calling for records of the DRT or reply of the other party, in view of the prayer made, the service and response from respondents, is dispensed with.

13. In view of the aforesaid submissions as also in view of the documents placed on record, it is deemed expedient and in the interest of justice to request learned DRT-I to take up SA No. 326/2013 which is now renumbered as TSA No. 179/2022 in all earnest and dispose of

expeditiously on 10.04.2023. It is further requested that the orders therein may be passed within next 30 days as soon thereafter.

14. The petition is disposed of in aforesaid terms with no orders as to costs.

TUSHAR RAO GEDELA, J.

MARCH 17, 2023

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