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

% Judgment delivered on: 03.05.2023

+ CM(M) 716/2023

GIRISH KAPOOR & ANR

..... Petitioner

versus

IIFL HOME FINANCE COMPANY LIMITED Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. S.K. Bhaduri, Mr. Prem Prakash,
Mr. Sumit Kumar and Ms. Neetu
Gupta, Advocates

For the Respondent : Mr. Mukul Bhimani, Advocate

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APP No. 22376/2023

1. Exemption is allowed, subject to all just exceptions.
2. Application stands disposed of

CM(M) 716/2023 & CM APP No. 22375/2023

3. The petitioners challenge the order dated 10.04.2023 passed by the learned Debts Recovery Tribunal-I (hereinafter as "DRT-I") in SA/558/2022 titled *Girish Kapoor and Anr vs. IIFL Home Finance Ltd*, whereby the learned Presiding Officer of DRT-I issued notice on the

said application seeking urgent orders.

4. Mr. S.K. Bhaduri, learned counsel appearing for the petitioners submits that though the petitioners had been paying the installments regularly, the last few installments which were not remitted on time, have also been paid in full and yet the respondent had sealed the property for the purposes of further auctioning. Mr. Bhaduri submits that once having paid the outstanding installments on time at their demand, the question of sealing the property and that too for the purposes of auctioning the same could not arise.

5. Learned counsel submits that the application seeking urgent directions was filed before learned DRT-I, which has not taken up the said application in the right earnest and submits that the petitioners would be satisfied in case this Court can direct the Tribunal to take up the said application and dispose it of in accordance with law.

6. Learned counsel also submits that since the sealing by the respondent was done in a manner contrary to law, the essential day to day items including the medicines and books and periodicals of the minor children, who are studying in school and are also preparing for the examinations, are also sealed therein.

7. Learned counsel submits that the property may be directed to be de-sealed so as to enable the petitioners to extricate all essential items from the said sealed premises, which would be without prejudice to the rights and contentions before the learned DRT-I.

8. Mr. Mukul Bhimani, learned counsel for the respondent, who appears on advance notice, submits that he has no objection in case the property is directed to be de-sealed for the purposes as afore stated, and

re-sealed after such essential items have been withdrawn from the said premises by the petitioners. Learned counsel also submits that a responsible officer from the respondent would be present at the spot for such exercise to be carried out.

9. In view of the aforesaid statement by Mr. Bhimnai, this Court is of the considered opinion that the subject suit property be de-sealed on 06.05.2023 at 11:00 a.m. till 4:00 p.m. for the purposes as afore stated. After 4:00 p.m., the authorized officer of the respondent shall be authorized to re-seal the property.

10. In view of the fact as submitted above, as also the urgency of the relief sought before the learned DRT-I, in the aforesaid Securitization Application, this Court deems it fit to request the learned DRT-I to take up the application on 11.05.2023 and if possible, dispose of the same in accordance with law.

11. Copy of SA/558/2022 be supplied to Mr. Bhimani during the course of the day, who seeks and is permitted to file his reply within three days from today with an advance copy to Mr. Bhaduri on the e-mail address which Mr. Bhaduri will supply to Mr. Bhimani during the course of the day. The same may be done also by Whatsapp.

12. In view of the aforesaid directions, the petition and application stands disposed of with no order as to costs.

13. A copy of order be given *dasti* under signatures of Court Master.

TUSHAR RAO GEDELA, J.

MAY 03, 2023

