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

+ **W.P.(C) 746/2024 & CM APPL. 3272/2024, CM APPL. 3273/2024
CM APPL. 3274/2024**

PURSHOTTAM SHARMA

..... Petitioner

Through: Mr. Rajesh Kumar Gautam, Mr.
Anant Gautam, Mr. R.P. Daida, Ms.
Shivani Sagar and Mr. Dinesh
Sharma, Advs.

Versus

IFCI BANK LTD AND ORS.

..... Respondent

Through: Mr. Nitin Dahiya, Mr. Sushant Kumar
and Mr. Hunny Parashar, Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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18.01.2024

1. Present writ petition has been filed challenging the order dated 28th July, 2023, passed in O.A. No. 20 of 2023 by the Ld. DRT-III, Delhi, whereby the Ld. DRT-III has restrained transfer of the subject property i.e, property admeasuring 42.5 AIR land in Khasra No. 151 (total admeasuring 0.7683 Hac) and property admeasuring 15.41 AIR land in Khasra No. 152 (total admeasuring 0.1541Hac) total of 57.66 AIR.
2. The petitioner, who was not a party in OA No. 20/2023, is aggrieved by the order as the petitioner claims that he is the owner of the subject property by virtue of sale deed registered on 19th June, 2019, and has been restrained from transferring the property.



3. He emphasises that the petitioner has no concern whatsoever with the loan transaction which forms the subject matter of the Original Application. He states that the subject property was never mortgaged to the respondent bank.

4. Learned counsel for respondent No.1/IFCI, who appears on advance notice states that the transaction of purchase is a fraudulent transaction as the said purchase has taken place subsequent to the invocation of personal guarantee of the respondent No.3 (guarantor).

5. This Court is of the view that the petitioner should have, in the first instance, filed an application for impleadment along with an application for modification/ clarification/ variation of the impugned order dated 28th July, 2023 before the DRT-III.

6. Consequently, the present writ petition along with applications is disposed of with liberty to the petitioner to file an application for impleadment/ modification/ clarification/ variation of the impugned order dated 28th July, 2023. In the event such an application is filed within two weeks from today, the DRT-III is directed to decide the same in accordance with law as expeditiously as possible, preferably, within six months.

7. It is clarified that this Court has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 18, 2024/N.Khanna