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

\+ W.P.(C) 3195/2024, CM APPL. 13140-13142/2024

ASHOK SINGH & ANR. ..... Petitioner

Through: Mr. Ranvijay Kumar, Mr. Sushant Nagar, Ms. Rina Roy, Advocates with Petitioner No.1 in Person

versus

BANK OF INDIA & ORS. ..... Respondent

Through: Mr. Sahil Ralli, Advocate for R-1
Mr. R.K. Sinha and Mr. Tushar Jaiswal, Advocates for R-13
Mr. Ashim Vachher, Standing Counsel, DDA with Mr. Kunal Lakra, Advocate for R-11/DDA
Mr. Aatreya Singh, Advocate for Bank of Baroda

% Date of Decision: 04th March, 2024

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 13140/2024 (for exemption)

1. Allowed, subject to all just exceptions.

2. Accordingly, the present application stands disposed of.

W.P.(C) 3195/2024, CM APPL. 13141-13142/2024

3. Present writ petition has been filed by the Petitioners challenging the order dated 28th April, 2023 passed by the Debt Recovery Tribunal-I, Delhi

in O.A. 422/2023 and the order dated 20th July, 2023 passed by CMM East, Karkardooma Court in C.T case no. 78/2023 and to further declare the proceedings initiated by the Respondent No. 1 qua the Flat No. 51, First Floor, Pocket A, New MIG Flats, Kondli Gharoli, Mayur Vihar Phase – III, Delhi – 110096 as illegal.

4. Petitioner No.1 who appears in person states that the present writ has been filed challenging the proceedings initiated by the Respondent No. 1 against the property of the Petitioner No. 1 qua the loan distributed by the Respondent No. 1 on the basis of forged and fabricated papers. He states that the Petitioner No. 1 has purchased the said flat from Petitioner No. 2 vide the sale deed dated 24th August, 2021. He states that the Respondent no. 1 (Bank of India) allegedly released a home loan to the Respondent Nos. 2 and 3 on the basis forged papers without even taking the originals at the time of releasing the loan. He further states that the Respondent No. 2 is a fraudulent lady who without paying a single penny has silently got the sale deed dated 14th September, 2020 executed in her favour from one Chetna Arora (Respondent No. 4) who impersonated as Sneh Prabha (Petitioner No. 2) and has taken a home loan from the Respondent No. 1.

5. He states that on a complaint made by the Petitioner No. 1 an FIR No.374/2023 dated 4th August, 2023 was registered under Section 419/420/467/468/471/120B of IPC and the Respondent Nos. 2, 3, 4 and 5 have been arrested.

6. Learned counsel for the Respondent-Bank who appears on advance notice states that the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (‘SARFAESI Act, 2002’) be taken as withdrawn. He, further,

states that he has no objection if the order dated 20th July, 2023 passed by CMM East, Karkardooma Court is quashed / set aside.

7. Keeping in view the aforesaid as well as the fact that the chargesheet has been filed in pursuance to FIR No. 374/2023 and Respondent Nos. 2, 3, 4 and 5 are still in judicial custody, this Court disposes of the Section 14 application filed by the Respondent-Bank under the SARFAESI Act, 2002 as withdrawn and quashes/sets aside the order dated 20th July, 2023 passed by the CMM East, Karkardooma Court. In view thereof, S.A. No.487/2023 pending before Debt Recovery Tribunal-I has been rendered infructuous and it accordingly stands disposed of.

8. It is clarified that the Respondent-Bank shall not claim or seek any relief qua Flat No. 51, First Floor, Pocket A, New MIG Flats, Kondli Gharoli, Mayur Vihar Phase – III, Delhi – 110096 till the Criminal Court gives its judgment in the case arising out of FIR No. 374/2023 dated 04th August, 2023.

9. Accordingly, the present petition and pending applications are disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 4, 2024/msh

Signature Not Verified
Digitally Signed By:JASWANT SINGH RAWAT
Signing Date:05.03.2024 19:45:03