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

+ **W.P.(C) 3702/2024 & CM APPLs. 15209/2024 & 15210/2024**

RAMABABU PRASAD

..... Petitioner

Through: Mr. Gaurav Patel with Mr. Abhishek Singh, Advocates with petitioner in person.
(M); 9455160761
Email: gauravpatel829@gmail.com

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate for respondent no. 1/GNCTD.
(M): 9971690867
Email: hetuarorasethiadv@gmail.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
15.03.2024

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CM APPL. 15210/2024 (for exemption)

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

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3. Learned counsel appearing for the petitioner submits that since the respondent no. 2 is stationed in Mumbai, he had sent the notice through courier.
4. Learned counsel appearing for the petitioner has also submitted an



affidavit of service to show that the respondent no. 2 has been served through courier. The said affidavit of service is taken on record.

5. None appears for respondent no. 2 despite service.

6. This Court had issued notice to the respondent no. 2 only for the purposes of considering the case of the petitioner on humanitarian grounds, in view of the difficulty expressed by the petitioner, on account of the medical condition of his son, who has to undergo a brain surgery in All India Institute of Medical Sciences (“AIIMS”).

7. This Court notes that the present petition has been filed praying for staying the operation of the judgment dated 06th February, 2024 passed by the learned Chief Metropolitan Magistrate (“CMM”) (South-West), Dwarka Courts, New Delhi in *CT No. 108/2024*, which pertain to the proceedings initiated by respondent no. 2 under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act”).

8. The law in this regard is clear that if any person is aggrieved by any measures which are taken by the secured creditor, an application shall lie before the Debt Recovery Tribunal (“DRT”) under Section 17 of the SARFAESI Act.

9. Further, in terms of Section 34 of the SARFAESI Act, Civil Courts have no jurisdiction to entertain any suit or proceeding in respect of any matter to which the DRT or the Appellate Tribunal is empowered to determine issues.

10. Accordingly, this Court cannot interfere in the proceedings initiated by respondent no. 2 under the SARFAESI Act.

11. However, liberty is granted to the petitioner to approach the learned



DRT by filing a requisite application under Section 17 of the SARFAESI Act.

12. At this stage, learned counsel appearing for the petitioner submits that owing to the financial constraints in view of the fact that all the moneys of the petitioner are being diverted towards the operation of the petitioner's son, he submits that the petitioner does not have the requisite money to pay the Court fees in the DRT.

13. Considering the aforesaid, petitioner is granted liberty to file an application for exemption from filing of Court fees before the learned DRT.

14. The learned DRT shall consider the application of the petitioner in that regard in accordance with law.

15. With the aforesaid directions, the present petition is disposed of along with pending application.

MINI PUSHKARNA, J

MARCH 15, 2024

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