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

+ **W.P.(C) 4424/2024**

SMT MUKESH BASOYA & ORS.

..... Petitioners

Through: Mr. Rohan Jaitley, Mr. Amit Sharma,
Mr. Satyam Khare and Mr. Dev
Pratap, Advocates

versus

KOTAK MAHINDRA BANK LTD

..... Respondent

Through: Mr. Rajat Katyal, Mr. Harsh Sinha
and Mr. Manu Pratap Singh,
Advocates

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **22.03.2024**

CM APPL. 18066/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 4424/2024

1. The present petition has been filed challenging the impugned order dated 29th February, 2024, passed by DRAT, Delhi (sitting at Mumbai) in Misc. Appeal no. 62/2024, dismissing the Appeal filed by the Petitioner herein against the order dated 20th February, 2024 passed by DRT-II, Delhi in SA No. 62/2024 directing the receiver to take physical possession of the property.

2. After some arguments, Mr. Rohan Jaitley, learned counsel for the petitioner states that petitioner shall deposit an additional sum of Rs. 3 lacs with the respondent-Bank within two weeks.



3. He also states that the petitioner has no objection if the sum of Rs. 4 lacs deposited with the Registry of the DRAT is released to the respondent-Bank.
4. Learned counsel for the respondent-Bank states that the respondent has no objection to the aforesaid deposit of additional sum of Rs.3 lacs as well as the release of sum of Rs.4 lacs by DRAT.
5. Consequently, the Petitioner is directed to deposit an additional amount of Rs. 3 lacs with the respondent-Bank within two weeks and the Registrar of the DRAT, Delhi is directed to transfer the amount of Rs. 4 lacs deposited by the petitioner to the respondent-Bank along with the interest accrued thereon by RTGS mode. It is clarified that the aforesaid payments to the respondent-Bank shall abide by the further orders to be passed by the DRT in the aforesaid SA. Subject to the Petitioner making the timely deposit with the Respondent, the Court Receiver is directed to not take physical possession of the subject property.
6. DRT-II is directed to decide the SA No. 62/2024 as expeditiously as possible and preferably within six months. This Court clarifies that it has not commented on the merits of the matter. The rights and contentions of all the parties are left open.
7. Accordingly, the present petition stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 22, 2024/rhc