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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CONT.CAS(C) 1015/2024**

**VINEETA PANDEY & ORS.**

.....Petitioners

Through: Mr. Satish Pandey and Ms. Jai  
Jaimini Pandey, Advs.

versus

**RAJIV KUMAR PANDEY**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

% **04.07.2024**

**CM APPL. 36594/2024 (Ex.)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**CONT.CAS(C) 1015/2024 and CM APPL. 36593/2024 (Status quo)**

3. The petitioners are the wife and children of the borrower namely, Bharat Bhushan Mishra and they are seeking initiation of contempt proceedings against the respondent/bank for the wilful disobedience of the direction passed by this Court *vide* dated 26.04.2024 in W.P.(C) 5861/2024.

4. None appeared on behalf of the respondent/Bank despite sending advance notice.

5. It appears that the parties are involved in matrimonial disputes including custody battle with regard to their children.

6. Learned counsel for the petitioners has alluded to the order dated 26.04.2024 passed by this Court. It is submitted that the petitioner, who is now a working lady, is ready and willing to make payment of the entire pending outstanding home loan and as per the previous direction, she had submitted an One Time Settlement



[“OTS”] before the respondent.

7. Attention of this Court is drawn to letter dated 05.05.2024, whereby the proposal submitted by the petitioner No.1 has been rejected.

8. Although, it is submitted that the proceedings under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2022 [‘SARFAESI Act’] has been initiated at the behest of the respondent and a notice under Section 13(4) of the said Act has been served upon the borrower only, the petitioner has not been made a party to any of the pending matters before the Debts Recovery Tribunals [‘DRT’] at the instance of her husband, which raises an inference of ulterior motives on his part.

9. Evidently, the petitioner is not the co-owner of the property in question. However, she has the right to seek residence for herself and her children against the husband. Since, the proceedings under SARFAESI Act has been initiated, the petitioner shall be at liberty to move a petition before the DRT seeking appropriate relief in terms of Section 17 of the Act.

10. In the meanwhile, no coercive steps with regard to the property in question shall be taken for a period of 30 days.

11. Learned counsel for the petitioners has submitted that the petitioner No.1 is involved in matrimonial disputes with her husband and also custody battle which are pending before the competent courts as well.

12. The present petition is disposed of on such terms and conditions.

**DHARMESH SHARMA, J.**

**JULY 04, 2024/sp**