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

+ W.P.(C) 12532/2024 & CM APPLs.52120-52121/2024

BEAUTY KUMARI

.....Petitioner

Through: Mr.Sanjeev Sagar, Advocate with
Ms.Nazia Parveen and Mr.Shailendra
Ojha, Advocates.

versus

GIC HOUSING FINANCE LTD & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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06.09.2024

1. Present petition has been filed challenging the order dated 4th September, 2024 passed by the Debt Recovery Appellate Tribunal, Delhi in Misc. Appeal No.276/2024, wherein the order dated 20th August, 2024 passed by the Debt Recovery Tribunal – II, Delhi in S.A. No.253/2024, rejecting the Petitioner's prayer for restraining the Respondent No.1 financial institution from taking possession of the subject property bearing Flat No.204, 1st Floor, B-142 & 143, B Block, Mansa Ram Park, Uttam Nagar, New Delhi – 110059, was upheld.
2. Learned counsel for the Petitioner states that the Petitioner has been in possession of the subject property since 2020 and had bought the same from the Respondent Nos.2 & 3 after payment of Rupees Fifteen Lakhs (Rs.15 lakhs) and post executing a General Power of Attorney, Affidavit, Will and Receipt.



3. He further states that the Petitioner is a third party to the agreement between the Respondents and has been cheated by the Respondents No.2 and 3. He relies upon Sections 56, 59A, 60, 91 and 92 of The Transfer of Property Act, 1882.

4. After having heard learned counsel for the Petitioner and having perused the paper book, it is clear that all the documents relied upon by the Petitioner to claim ownership of the subject property are unregistered documents. It is trite law that no vested right and interest can accrue to the Petitioner by placing reliance on such unregistered documents.

5. In view of the aforesaid documents relied upon by learned counsel for the Petitioner, the provisions of the Transfer of Property Act, 1882 offer no assistance to the Petitioner. Consequently, the present writ petition, being bereft of merit, is dismissed along with applications.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 6, 2024
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