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

+ **W.P.(C) 12905/2024 & CM APPL. 53759/2024**

JAGDISH PARSAD JAIN

.....Petitioner

Through: Ms. Garima Parashad, Sr. Adv.
along with Mr. Vibhu Jain,
Adv. along with petitioner
present-in-person.

versus

**CHOLAMANDALAM INVESTMENT AND FINANCE CO.
LTD.**

.....Respondent

Through: Mr. Sidharth Chopra & Mr.
Navneet, Advs.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

18.09.2024

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CM APPL. 53758/2024 – EXMP.

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

W.P.(C) 12905/2024 & CM APPL. 53759/2024

3. The petitioner is invoking the writ jurisdiction of this Court against the respondent seeking a direction to set aside the order dated 04.09.2024 passed by the Chief Judicial Magistrate, Rohini Courts under Section 14 of the SARFAESI Act, 2002.
4. Learned counsel for respondent is present on advance notice.
5. Having heard the learned counsels for the parties, it is recorded that the learned counsel for the respondent has submitted that the notice is yet to be issued by the Receiver under Section 14 of the



SARFAESI Act, and therefore, there it is urged that there is no immediate threat of repossession of the property in question. It is also pointed out that the securitization application has been already filed on behalf of the petitioner before the learned DRT-1 Delhi, which came up for hearing on 19.08.2024, but since the Presiding Officer was on leave, no hearing could take place and now the matter is listed for 16.10.2024.

6. In the said backdrop, the learned counsel for the petitioner requests permission to withdraw the present petition.

7. The same is dismissed as withdrawn with liberty to the petitioner to approach the learned DRT for seeking appropriate relief in accordance with the law.

DHARMESH SHARMA, J.

SEPTEMBER 18, 2024/sa