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

+ W.P.(C) 13715/2024 & CM APPL. 57406/2024, CM APPL.  
57407/2024

SHRI OM PRAKASH HANS & ANR. ....Petitioners

Through: Ms. Sangeeta Sondhi and  
Mr. Rishabh Munjal, Advocates.

versus

PUNJAB NATIONAL BANK & ORS. ....Respondents

Through: Mr. Anmol Panwar and Mr. Devendra  
Singh, Advocates for R-1.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**30.09.2024**

1. Present petition has been filed challenging the order dated 27<sup>th</sup> August, 2024 passed by DRAT, New Delhi in Appeal no. 208/2017 whereby DRAT modified the order dated 26<sup>th</sup> July, 2016 passed by DRT in O.A. No.839/1995 to the extent that Respondent no. 4 was also made liable to pay the amount due to Respondent no. 1 bank along with Respondent no. 2 & 3 failing which the subject amount is to be recovered by the sale of the property bearing no. B-111, Sector-31, Noida ("subject property").
2. Learned counsel for the Petitioner states that Respondent no. 4 became the owner of the subject property vide registered lease deed dated 7<sup>th</sup> October, 1986.
3. She states that Respondent no. 4 sought permission dated 4<sup>th</sup> July, 1989 from NOIDA Authority for mortgaging the subject property in favour



of New Bank of India, Nehru Place branch but the same was not granted. She states that despite not having permission from NOIDA Authority to mortgage the subject property, Respondent no. 4 mortgaged the subject property for the credit facilities availed by Respondent no. 2 and 3.

4. She states that subsequently on 4<sup>th</sup> July, 1992, Respondent no. 2's bank account was declared NPA by New Bank of India, Nehru Place branch whereafter, New Bank of India filed a suit for recovery of Rs. 42,83,115/- which was transferred to DRT in 1995 and was registered as O.A. 839/1995.

5. She states that Respondent no. 4 wrote to the NOIDA Authority intimating them about the loss of documents pertaining to the subject property and sought issuance of duplicate documents.

6. She states that during the pendency of O.A. No. 839/1995, New Bank of India merged with Respondent no. 1 bank. She states that on 25<sup>th</sup> July, 2001, O.A. 839/1995 was decided and Recovery Certificate bearing no.23/2002 was issued by DRT for recovery of decretal amount from Respondent no. 2 to 4.

7. Since the whole emphasis of the petitioners is on the ground that respondent no.4 could not have mortgaged the subject property without taking prior permission of the NOIDA Authority, this Court is of the view that the Petitioners have no locus to challenge the transaction between the Respondent no.4 and the Bank on the ground that the prior permission of the lessor had not been sought as the petitioner is not privy to the transaction between the lessor and Respondent no.4 and the objection with respect to mortgage can be raised either by Noida authorities or Bank.

8. Moreover, there are very serious allegations of fraud and forgery in the present matter. This Court is of the view that the same cannot be decided



in a writ petition.

9. Accordingly the same is disposed of. Pending applications also stand disposed of.

**CHIEF JUSTICE**

**TUSHAR RAO GEDELA, J**

**SEPTEMBER 30, 2024**

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