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

+ **RFA 153/2025**

ARUN

.....Appellant

Through: Mr. Ankit Yadav, Advocate.

versus

HINDUJA HOUSING FINANCE LTD

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

17.02.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 9618/2025, 9616/2025 & 9619/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 9617/2025 (exemption from filing decree sheet)

2. The appellant is directed to file certified copy of the decree sheet within two weeks. Accordingly, the application stands disposed of.

CM APPL. 9614/2025 (for seeking extension of time to file the court fees)

3. Subject to the appellant depositing the entire court fees within one week, the application is allowed.

CM APPL. 9613/2025 (for interim relief), CM APPL. 9615/2025 (for summoning of records), CM APPL. 9620/2025 (for additional documents) & RFA 153/2025

4. The appellant has assailed rejection of plaint in his suit for declaration and injunction. The plaint was rejected primarily on the ground of bar under



Section 34 of the SARFAESI Act.

5. Learned counsel for appellant presses for ex-parte stay, but looking into the nature of pleadings and the content of the impugned order coupled with the fact that according to the appellant, the Receiver has already initiated the proceedings by this time to take over possession in accordance with law, I do not find it a fit case to stay the proceedings ex-parte.

6. At this stage, learned counsel for appellant on instructions seeks permission to withdraw this appeal with liberty to move appropriate application before the Debt Recovery Tribunal. Accordingly, the appeal and pending applications are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

FEBRUARY 17, 2025/ry

Click here to check corrigendum, if any