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

+ **W.P.(C) 2033/2025, CM APPL. 9587/2025**

RAKSHA GUPTA & ANR.

.....Petitioners

Through: Mr. Tuhin and Mr. Rajat Jain,
Advocate

versus

CANARA BANK & ORS.

.....Respondents

Through: Mr. Vipin Singh, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

25.04.2025

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1. The instant Writ Petition has been filed by the Petitioners with the following prayers:-

“(a) issue an appropriate writ or order or direction declaring that the liability of sureties has been discharged on account of acts/omissions of the Respondent no. 1 and operation of Section 139 and 141 of Indian Contract Act, 1872;

(b) issue appropriate writ, order or direction prohibiting the Respondent no. 2 from executing the Recovery Certificate dt. 05.12.2016 and taking any coercive action against the Petitioners or their property without impleading them and giving them an

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opportunity of being heard;

(c) issue appropriate writ, order or direction prohibiting the Respondent no. 2 from executing the Recovery Certificate dt. 05.12.2016 and taking any coercive action against the legal heirs of Late Mahesh Chand Jain, including the Petitioner no. 2, on account of being a nullity against them;

(c) issue appropriate writ, order or direction quashing and setting aside the decree / final order dt. 05.07.2012 having been passed under egregious circumstances and in violation of the principles of natural justice;

(d) issue appropriate writ order or direction quashing and setting aside the Recovery Certificate dt. 05.12.2016 and the proceedings under TRC no.1669 of 2022 as a consequence of the grant of the previous prayer; and

(e) Pass any other further order which this Hon'ble Court may deem fit and proper in furtherance of the interest of justice."

2. After some arguments, this Court gave a suggestion to the learned Counsel appearing on behalf of the Petitioners that it is better for the Petitioners, to raise the objections before the concerned forum i.e. Debts Recovery Tribunal.

3. The learned Counsel for the Petitioners states that the objections have been filed by the Petitioners before the Debts Recovery Tribunal, however the Petitioners are not being impleaded.

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4. It is open for the Petitioners to move an application for impleadment before the Debts Recovery Tribunal which will be considered in accordance with law.
5. It is made clear that this Court has not made any observations on the right of the Petitioners to be impleaded in the array of parties.
6. With these observations, the instant Writ Petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

HARISH VAIDYANATHAN SHANKAR, J

APRIL 25, 2025

RJ

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