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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 519/2025**
INDIAN OVERSEAS BANKPetitioner

Through: Mr. Vikas Garg, Mr. Ashish Kumar,
Mr. Sagar Aggarwal, Mr. Mohit
Chadda and Ms. Kanika Baweja,
Advts. with Ms. Monica Negi, Legal
Officer for IOB Bank.

versus

GARV BAJAJ & ANR.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
20.03.2025

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CM APPL. 16293/2025 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

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1. Mr. Garv Bajaj, respondent herein, filed a suit seeking permanent and mandatory injunction with the prayer that defendant bank may be restrained from dealing/interfering or disposing of Property No. E-38 (Basement and First Floor), South Extension-I, New Delhi-110049 and also a flat situated at Vaishali, Ghaziabad.
2. It is noticed that when the above said suit was taken up by the learned trial court on 16.07.2024, the leaned Trial Court heard arguments in part with respect to application moved under Order XXXIX Rules 1 & 2 of Code of Civil Procedure, 1908 (CPC).

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3. At that time, a preliminary objection was also taken by the bank that Civil Court was not competent to entertain the above said suit as it was hit by Section 34 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).
4. The matter was, thereafter, taken up by learned Trial Court on 20.07.2025, and it seems that defendant no. 2, who was the original borrower, expressed his willingness to pay the arrears as per the one time settlement and sought time to arrange the funds. After hearing both the parties, the learned Trial Court directed the Bank to take appropriate steps for consideration of proposal put forth by the plaintiff and borrower and there was also a direction that any coercive action with respect to South Extension property be halted.
5. It is submitted that such interim order is still in operation. The matter was, lastly, taken up by the learned Trial Court on 15.02.2025 for further arguments on injunction application.
6. It is also noticed that the petitioner herein i.e. defendant Bank has also moved an application under Order VII Rule 11 CPC contending that the suit was not maintainable as it was barred by Section 34 of SARFAESI Act.
7. The grievance of the petitioner is very limited.
8. According to the petitioner Bank, the suit is not maintainable and despite the above said fact, the court has entertained such suit and has even restrained the Bank from taking any coercive step. When asked, learned counsel for the Bank submitted that after filing of the above said suit, a sum of Rs. 47,50,000/- has been deposited in the Court by the other side whereas the actual outstanding is approximately Rs. 10 crores.
9. The grievance of the petitioner is that since the suit itself was not maintainable, being barred by law, learned Trial Court should not have



granted any interim relief to the petitioner and also that the application moved by the Bank under Order VII Rule 11 CPC has not been decided.

10. After hearing arguments for some time, learned counsel for the petitioner submitted that he would not press the present petition, if some direction is given to the learned Trial Court to dispose of the above said applications, as expeditiously as possible.

11. The next date before the learned Trial Court is stated to be of 21.03.2025.

12. Nobody appears on behalf of the respondent despite advance notice.

13. Be that as it may, in view of the above said statement made by learned counsel for the petitioner, the present petition, without prejudice to the rights and contentions of the parties, is disposed of as not pressed with request to learned Trial Court to decide application filed under Order XXXIX Rules 1 & 2 CPC as well as application moved by petitioner under Order VII Rule 11 CPC, as expeditiously as possible, and, preferably within a period of 12 weeks from receipt of order. Needless to say, the same would be after giving due opportunity of hearing to both the sides and in accordance with law. Nothing contained in the present order would be taken as observation on merit of the case.

14. The present petition, along with all pending applications, if any, stands disposed of.

15. *Dasti* under the signatures of court master.

MANOJ JAIN, J

MARCH 20, 2025/PU/shs

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