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

+ **W.P.(C) 6207/2026 & CM APPL. 30470/2026**

SHAKIRA KHAN

.....Petitioner

Through: Mr. Sarvesh Singh, Mr. Durgesh
Kumar Gupta, Advs.

versus

UTKARSH SMALL FINANCE BANK & ANR.

.....Respondents

Through: Mr. Samarendra Kumar, Mr.
Madhurendra Kumar, Mr. Nitin, Ms.
Nisha, Ms. Soumya, Ms. Kajal, Advs.
with Mr. Anuj Gupta, Officer of the
Bank

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

08.05.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

“a. Issue a writ of mandamus or any other appropriate writ, order or direction and issue appropriate directions thereby setting aside of possession notice dated 24.04.2026 (hereinafter referred to as the "the Impugned Notice") issued by the Ld. Court Receiver appointed by the Ld. Chief Judicial Magistrate, Shahdara District, Karkardooma Courts, Delhi (hereinafter referred to as "Ld. CJM") in



Misc. Crl. No. 1998 of 2025 titled as Utkarsh Small Finance Bank Limited Vs. M/s Nawab & Co. & Ors. for taking the physical possession of the property bearing all that part and parcel of the residential property entire third floor with roof rights built on property No. A-31/135 & A-31/139, with roof rights, area measuring 300 sq. yards i.e. 250.83 sq. meters, covered area 167.22 sq. meters out of Khasra No. 340,341 & 345 situated at in the area of Village Maujpur in the abadi of Puri Gali No. 2, Gurudwara Mohalla, Maujpur, Illaqa Shahdara, Delhi 110 053;

b. Issue a writ of mandamus or any other appropriate writ, order or direction and issue appropriate directions thereby setting aside of order dated 29.11.2025 passed by the Ld. Chief Judicial Magistrate, Shahdara District, Karkardooma Courts, Delhi in Misc. Crl. No. 1998 of 2025 titled as Utkarsh Small Finance Bank Limited Vs. M/s Nawab & Co. & Ors.;...

2. The brief facts of the case are that the respondent No. 2 was the owner of 3rd and 4th floor of the property bearing No. A-31/135 and A-31/139, comprised in Khasra Nos. 340, 341 & 345, situated in village Maujpur. The petitioner purchased the aforesaid property from respondent No. 2 through an Agreement to Sell and general power of attorney dated 02.03.2024.
3. Learned counsel for the petitioner, states that the respondent No. 2 had availed a loan facility from the respondent No. 1 bank by creating a mortgage over the third floor including roof rights.



4. The respondent No, 2 defaulted in making repayment of the credit facility and consequently his account was classified as a non-performing asset.
5. Pursuant to this default, the respondent No. 1 bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (**SARFAESI**) Act, 2002.
6. The application filed by the respondent No. 1 bank under section 14 of the SARFAESI Act, was allowed and a receiver was appointed to take physical possession of the third floor with the roof rights. Hence, the present petition has been filed.
7. Mr. Kumar, learned counsel for the respondent No. 1 bank, states that in the present case, the respondent No. 2 i.e., the owner of the property has mortgaged the entire property, i.e. 3rd and 4th floor with roof rights by deposit of title deeds.
8. Since, the respondent No. 2 has defaulted in making repayment of the availed credit facility, the proceedings under SARFAESI Act has been initiated.
9. In the present case, the petitioner has already approached the Debts Recovery Tribunal (**"DRT"**) by filing a securitization application under Section 17 of the SARFAESI Act bearing No. 394/2025 and was unable to obtain any favourable order from the said tribunal.
10. I am of the view that the against the order of DRT, the petitioner has an equally efficacious alternative remedy of approaching the appellate forum i.e., Debts Recovery Appellate Tribunal and raising all its grievances before the said forum.
11. Granting the said liberty to the petitioner, the petition is disposed of.



12. The Court has not examined the merits/controversy of the disputes in the present petition.

JASMEET SINGH, J

MAY 8, 2026/sp