



2025:DHC:5022-DB



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

Date of decision: 27th June, 2025

+ W.P.(C) 8560/2025

GAGANJEET KAUR

.....Petitioner

Through: Mr. Bhushan Mahendra, Adv.

versus

THE AUTHORISED OFFICER, HINDUJA HOUSING
FINANCE AND ORS.Respondents

Through: Mr. Gaurav Srivastava, Adv.
for R-1
Mr. Saurav Bhasin, Adv. for
R-4 and 5.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

HON'BLE MS. JUSTICE RENU BHATNAGAR

MANOJ JAIN, J. (ORAL)

CM APPL. 37017/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner herein had filed a Securitization Application No. 173/2025 ('SA') before the learned Debt Recovery Tribunal-II (hereinafter referred to as 'DRT-II') (*Gaganjeet Kaur vs. Hinduja Housing Finance Limited and Ors.*). They sought for interim relief which was declined by the learned DRT-II *vide* Order dated



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09.06.2025.

4. Feeling aggrieved, the petitioner filed Miscellaneous Appeal under Section 18 of the *Securitization And Reconstruction Of Financial Assets And Enforcement of Security Interest Act, 2002* (hereinafter referred to as 'SARFAESI Act') before the learned Debt Recovery Appellate Tribunal (hereinafter referred to as 'DRAT').

5. Such appeal was, reportedly, filed on 10.06.2025 along with one interlocutory application.

6. The grievance of the petitioner herein is very limited. It is submitted that such appeal has not been heard so far and her appeal and prayer for grant of interim relief is now fixed for 14.07.2025 before DRAT. It is also informed that the Hon'ble Chairman of Appellate Tribunal is also not available and is reported to be on leave till 14.07.2025.

7. It is divulged that the petitioner has received another notice along with Order dated 05.05.2025 passed by the learned Chief Judicial Magistrate, West, Tis Hazari Courts, Delhi, whereby, a receiver has been appointed for the purpose of taking possession of the premises in question i.e. same premises. It is submitted that if the possession is taken over by the receiver, the appeal as such, would become infructuous.

8. Keeping in mind the abovesaid peculiar development and the fact that if receiver is allowed to take over the possession of the property in question, the appeal may become infructuous, the present petition is disposed of with direction to respondent no. 1 to not take any further precipitative action in pursuance of the abovesaid Order

