



2026:DHC:3443



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

Date of Decision: 24th April, 2026

+ W.P.(C) 8654/2023, CM APPL. 32800/2023, CM APPL. 60412/2025
& CM APPL. 17375/2026

RAJNISH GUPTA

.....Petitioner

Through: Mr. Karan, Advocate.

versus

LIC HOUSING FINANCE LTD

.....Respondent

Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Sanjy Kumar and Mr. Jishnu
Bhardwaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India, assailing the impugned order dated 26th May, 2023, on the application under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFESI) passed by the Court of Chief Metropolitan Magistrate (Central), in *MA No. 67/2023*.
3. Heard. Record perused.
4. The relevant portion of the impugned order dated 26th May, 2023 reads as under:



“9. The property (secured asset) is an immovable property described as “**property bearing No.03, Khasra No.78/31, Block D, Municipal No. XIV/11163, New Rohtak Road, Karol Bagh, Delhi110005**”.

10. The description is same in security agreement and the title documents. It is within territorial jurisdiction of this court. It is stated to be in the name of respondent. The description is same in security agreement and the title documents. The original sale deeds and copies of previous chain of documents in respect of said property are with the petitioner thereby creating an equitable mortgage. The amount due is not less than twenty percent of the principal amount and interest as per clause (j) and the property is not the one hit by other clauses of section 31 of SARFAESI Act. Sixtydays’ notice given under section 13(2) of SARFAESI Act has been seen, giving details of outstanding amount and details of secured asset, along with original postal receipt. Representation/Objections dated 01.10.2022 have also been seen along with the decision thereupon and communication to the borrower vide reply dated 10.10.2022. The petitioner states that the borrower has failed to repay the outstanding amount in full.

11. As all such requirements have been fulfilled, it becomes mandatory for the undersigned being the Chief Metropolitan Magistrate to order taking possession of the assets mortgaged with the petitioner and the documents related thereto, and forward the same to the secured creditor. As per section 14, the court may take or cause to be taken such steps as use of cause to be used such force as may be necessary.”

5. Learned Senior Counsel appearing on behalf of the respondent submits that the respondent has already moved an application bearing **CM APPL. No. 17375/2026**, with the prayer to allow the Writ Petition *qua* the impugned order.

This application has been perused, wherein the following prayer has



2026:DHC:3443



been sought:

“a. Pass an Order/ direction thereby allow the writ qua the impugned Order dated 26.05.2023 passed by the Ld. Metropolitan Magistrate, Tis Hazari Courts, New Delhi in MA No.67of 2023 and consequently dispose of the present writ petition while leaving all rights and remedies available to the Petitioner under the law open.”

6. Keeping in view the aforesaid submission and the prayer made in the application, the present petition is allowed *qua* the impugned order dated 26th May, 2023 by setting aside the same. It is, however, made clear that all rights and remedies available to the parties under law are left open. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

APRIL 24, 2026/MR/ABK