



2025:DHC:8195-DB



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

Date of decision: 15.09.2025

+ W.P.(C) 14187/2025, CM APPL. 58178/2025

SMT SURJEET KAUR & ANR.Petitioners

Through: Mr. Sanjeev Bhandari, Mr.
Dhananjay Kumar Singh, Mr.
Avinash Kumar, Mr. Devanshu
Lahiry, Mr. Arijit Sharma, Ms.
Sakshi Jha, Advs.

versus

PUNJAB NATIONAL BANK & ORS.Respondents

Through: Mr. Santosh Kumar Rout, Standing
Counsel with Mr. Krishna Kr.
Sharma, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)

ANIL KSHETARPAL, J.

1. By invoking the extraordinary jurisdiction of this Court, the Petitioners assail the correctness of an order dated 05.08.2025 [hereinafter referred to as 'Impugned Order'] passed by Id. DRAT, which affirmed the order dated 23.05.2025 passed by Id. DRT-I, New Delhi. The said Orders declined the interim relief sought by the Petitioners, namely, to restrain the Respondent No.1/Punjab National Bank from taking physical possession of the property bearing no.2502, Punjabi Basti, Delhi – 110007 [hereinafter referred to as 'suit property'].



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2. This Court has heard the submissions made by the learned counsel representing the parties.

3. Originally, the suit property was stated to be owned by Sh. Prem Singh, who passed away in the year 1986. Prior to his demise, Sh. Prem Singh on 07.04.1982 bequeathed the suit property in favour of his son, Sh. Joginder Singh, while excluding his other son, Sh. Mahender Singh. The Will was registered on 02.03.1987, after the death of Sh. Prem Singh. Sh. Joginder Singh died in the year 2006, consequently, the suit property was inherited by his two children, namely Sh. Davinder Singh and Smt. Ranjeet Kaur, who, *vide* Registered Sale Deed dated 21.05.2013 sold the suit property to the Respondent No.2/Smt. Sunita Gupta (the Vendee). Subsequently, in November, 2013, the suit property was mortgaged by the Respondent No.2 to avail loan facilities from the Respondent No.1.

4. Thereafter, the Respondent No.2 filed a suit bearing CSDJ 10163/2016(New) captioned *Smt. Sunita Gupta v. Smt. Surjeet Kaur* [hereinafter referred to as 'Civil Suit'], against Petitioner No.1/Smt. Surjeet Kaur and in response, the Petitioner No.1 filed a Written Statement along with a counter-claim which was given a separate number. The Civil Suit was dismissed for non-prosecution, whereas the counter-claim, which is an independent suit for all intents and purposes, was dismissed on merit by the Civil Court. Subsequently, the Petitioner No.1 filed a Regular First Appeal being RFA 787/2025 captioned *Smt. Surjeet Kaur v Smt. Sunita Gupta*, which is currently pending adjudication before this Court, in which a *status quo* order has been passed. However, as is evident, the Civil Court, upon examining the counter-claim made by the Petitioner No.1 in respect of a



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share in the suit property on the basis of natural succession, rejected the same.

5. Learned counsel representing the Petitioners submits that, prior to the sanction of the loan, the Respondent No.2 had filed a suit for possession. Hence, there exists a doubt about the genuineness of the sale deed executed in her favour.

6. It is evident that the counter-claim filed by the Petitioner No.1 was, in substance, in the nature of an independent Civil Suit. However, the same was dismissed on merits by the Civil Court. Although RFA 787/2025 is still pending adjudication before this Court, in which a *status quo* order has been passed. It is pertinent to note that the Respondent No.1 (Bank) is not a party to the said Appeal. Hence, the interim order is not binding on the Respondent No.1.

7. On account of default committed by the Respondent No.2 (the Borrower), the Respondent No.1 is proceeding in accordance with law to take possession of the suit property. The Chief Metropolitan Magistrate has already passed an order directing the delivery of the possession of the suit property.

8. At this stage, learned counsel representing the Petitioners submits that the Petitioners are in settled possession of the suit property, and therefore, their possession may be protected till the securitization application is decided.

9. This Court finds no substance in the said plea raised by the Petitioners. It would not be appropriate to deprive the creditor of the



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possession of the suit property, particularly when the sale deed, in favour of the Respondent No.2, has already been upheld by the Court of First Instance in the Civil Suit. Hence, in view of the submissions made and records perused, this Court does not find any merit in interfering with the Impugned Order in exercise of writ jurisdiction.

10. Accordingly, finding no merit, the present Petition, along with pending application, is dismissed.

11. Needless to observe that RFA 787/2025 filed by the Petitioner No.1 shall be decided uninfluenced by the observations made in this order.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

SEPTEMBER 15, 2025

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