



2026:DHC:9349



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010404892026**+ **O.M.P.(I) (COMM.) 376/2026 & I.A. 23664/2026****AXIS FINANCE LIMITED** PetitionerThrough: **Mr. Rishabh Gupta, Adv.**

versus

MOHAMMED JAHANGIR AND ORS Respondents

Through:

CORAM:**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****ORDER(ORAL)**% **16.10.2026**

1. The Division Bench of this Court in *M/s Axis Finance Ltd. v. Rishab Mago & Ors.*¹, upheld the refusal of interim protection under Section 9 of the Arbitration and Conciliation Act, 1996² where the lender's outstanding dues were already secured by a mortgage and proceedings arising from enforcement measures under the SARFAESI Act were pending before the Debt Recovery Tribunal³.

2. In the present case, the Petitioner admittedly extended mortgage backed loan facilities and holds security over the property situated at Premises No. 14, Rafi Ahmed Kidwai Road, P.S. New Market, Kolkata.

3. Additionally, the Petitioner has already invoked its statutory

¹ FAO (os)(comm) 157/2026

² "Act" hereinafter

³ "DRT" hereinafter



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remedies under the SARFAESI Act by issuing a demand notice dated 23.01.2026 under Section 13(2) and allegedly taking symbolic possession of the secured assets on 09.04.2026 under Section 13(4).

4. Notwithstanding the existing mortgage security and the invocation of statutory enforcement measures, the Petitioner has approached this Hon'ble Court seeking further interim protection under Section 9 of the Act.

5. This court is of the view that mere apprehension that the Respondents may alienate their assets or create third-party interests does not, without supporting material establishing an immediate necessity for protection, justify the grant of additional interim relief.

6. Thus, in the absence of any independently established necessity for additional protection, the reliefs sought would amount to duplicative interim security notwithstanding the Petitioner's existing mortgage rights and pending statutory enforcement proceedings.

7. Accordingly, the present petition is dismissed. Pending applications, if any, stand disposed of.

OM PRAKASH SHUKLA, J

OCTOBER 16, 2026/at