

21 EX 83/25

YOGESHWARI Vs. MADHURI SRIVASTVA

22.04.2026

AT 12:45 PM

Present: Sh. Chaman Sharma, Ld. Counsel for DH (Mobile
No.9811861348) along with DH
Ms. Aarti Gupta, Ld. Counsel for JD (Mobile
No.9999755355)
Sh. Yuvraj Singh, Ld. Counsel for objector
Sh. Sanjay Kumar Garg, objector in person

At request, matter is pass over for 15 minutes.

(Deepanker Mohan)

District Judge-04

Shahdara District/KKD Courts/Delhi

22.04.2026

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AT 01:09 PM

Present: Sh. Chaman Sharma, Ld. Counsel for DH (Mobile
No.9811861348) along with DH
Ms. Aarti Gupta, Ld. Counsel for JD (Mobile
No.9999755355)
Sh. Yuvraj Singh, Ld. Counsel for objector
Sh. Sanjay Kumar Garg, objector in person

Arguments heard on the application under Order
XXI Rule 58 r/w Section 151 CPC (IA No.1/2026) filed M/s
Sammann Capitals Ltd. (formerly known as India Bulls Housing
Financial Ltd.).

Ld. Counsel for objector submitted that JD has taken the loan from objector/financial institute in the year 2016 and mortgaged the subject property bearing No.X-28 (Old No.1531-A), First Floor, Part of Plot No.C-32, Khasra No.386 and 387, Village Uldhan Pur, Naveen Shahdara, Delhi-110032. He further submitted that the charge on the property in question has also been created at CERSAI (Central Registry of Securitization Assets Reconstruction and Security Interest of India) on 25.10.2016. He further submitted that JD has made defaults in making repayment of the loan amount and therefore, the account of JD was classified as NPA and consequently, objector/financial institution has initiated proceedings under the provision of SARFAESI Act against JD and property in question. He further submitted that the application under Section 14 of SARFAESI Act Misc. Crl. No.19/2024 titled as “India Bulls Housing Finance Ltd. Vs. Sachin Srivastava and another” has been allowed vide order dated 25.01.2024 by the then Ld. CMM, Shahdara, KKD Courts, Delhi. He further submitted that on 03.01.2026 the physical possession of the property in question has been taken by the Objector. He further submitted that the property in question has been sold through Public Auction to one Ms. Geeta Gautam wife of Sh. Inderpal Gautam for an amount of Rs.28 lakhs. He further submitted that as on 31.01.2026 an amount of Rs.41,70,775/- is outstanding against JD. He further submitted that Objector bank has a previous charge over the property in question, therefore, the same cannot be attached.

Ld. Counsel for DH submitted that Objector bank is in connivance with JD has taken the possession of the property in question and thereafter, Objector bank has arbitrarily and illegally sold the property in question through public auction. He further submitted that DH has deposited the keys of the property in question before this Court in CS No.858/2023 on 10.07.2024. He further submitted that JD has suppressed the factum of taking of loan and creating of charge over the property in question from the husband of DH, DH as well as this Court. He further submitted that after creating charge of objector bank, JD fraudulently gave the property in question on security basis and received an amount of Rs.11 lakhs from the husband of DH.

Heard.

As the objector bank has charge over the property in question [i.e. No.X-28 (Old No.1531-A), First Floor, Part of Plot No.C-32, Khasra No.386 and 387, Village Uldhan Pur, Naveen Shahdara, Delhi-110032] since 2016 i.e. prior to the date when the warrant of attachment of the property in question was executed, therefore, objector has a prior charge over the property in question. It is noted that the charge of objector has also been recorded with CERSAI. Objector bank has already sold the property in question to auction purchaser Ms. Geeta Gautam for total consideration of Rs.28 lakhs. As per objector, an amount of Rs.41,70,775/- is outstanding as on date i.e. 31.01.2026. Even after adjusting the amount of sale proceeds of Rs.28 lakhs, JD is still liable to pay an amount of Rs.13,70,775/- to objector. It is also noted that objector has taken the physical possession of the

property in question on 03.01.2026 i.e. prior to 15.01.2026, the date when the warrant of attachment was executed.

In view of the circumstances and above observations, the property in question is released from the attachment of this Court. The objections filed by objector M/s Sammaan Capitals Ltd. stands allowed (IA No.1/2026) and is accordingly disposed of.

Part arguments heard on the objections of Sh. Sanjay Garg. It is already 01:34 PM.

Put up for further arguments at 02:00 PM.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
22.04.2026

22.04.2026

AT 02:25 PM

Present: Sh. Shivam Sharma, Ld. Proxy Counsel for Sh.

Chaman Sharma, Ld. Counsel for DH

None for JD

Sh. Ravi Kumar Chauhan, Ld. Proxy Counsel for
objector Sh. Sanjay Garg through VC

Sh. Sanjay Kumar Garg, objector in person

During the course of arguments, Ld. Proxy Counsel for objector Sh. Sanjay Garg on instructions submits that objector Sh. Sanjay Garg wants to withdraw the objections. He further

submits that objector Sanjay Garg shall take appropriate legal action against JD as provided under the law.

Separate statement Sh. Sanjay Garg, objector recorded.

In view of the submissions and considering the statement of objector, the objections filed by Sh. Sanjay Garg stands dismissed as withdrawn and are accordingly disposed of.

Heard.

In view of the submissions made by the Ld. Proxy Counsel for DH, let warrant of attachment of immovable property of JD be issued in respect to property bearing no.4/71-A-1, Gali No.3, Old Tejab Mill Road, Bhola Nath Nagar, Shahdara, Delhi-110032, on filing of PF within 05 days from today.

Beating of drums be also conducted as per rules.

An application for issuance of warrant of attachment on behalf of DH filed (IA No.2/2026) stands allowed and is accordingly disposed of.

Be placed before the Ld. ACJ for appointment of bailiff on 07.05.2026 and before this court for report of bailiff on 01.06.2026.

**(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
22.04.2026**