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

+ W.P.(C) 486/2021 & CM APPL. 1245/2021

SMT. MADHU ARORA

..... Petitioner

Through: Mr. Avi Pandey with Ms. Jagriti
Pandey, Advs.

versus

PUNJAB NATIONAL BANK & ANR.

..... Respondent

Through: Mr. Santosh Kumar Rout, Adv & Mr.
Abhishek Chakraborty, Adv. for the
Respondent No. 1 (PNB)

+ W.P.(C) 523/2021 & CM APPL. 2150/2021

SMT. USHA KUMARI

..... Petitioner

Through: Mr. Avi Pandey with Ms. Jagriti
Pandey, Advs.

versus

PUNJAB NATIONAL BANK & ANR.

..... Respondent

Through: Mr. Santosh Kumar Rout, Adv & Mr.
Abhishek Chakraborty, Adv. for the
Respondent No. 1 (PNB)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.03.2022

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We have heard learned counsels for the parties at some length. The petitioner claims to an Agreement Purchaser from the original owner by an Agreement to Sell dated 15.09.1999. On the same day, the registered Power of Attorney was also executed by the original owner in favour of the petitioner. It appears that on 14.06.2011, the original owner Banso Devi sought to mortgage the property in favour of the respondent bank to obtain a



loan. Since the loan was not being paid, the respondent bank initiated recovery proceedings by preferring O.A. No. 99/2014 before the DRT. The petitioner defended the proceedings by claiming that since the property has already been transferred to the petitioner by way of an Agreement to Sell cum Power of Attorney, the same could not have been mortgaged in favour of the respondent bank. Moreover, Banso Devi had already died in the year 2004 and, therefore, she could not have mortgaged the property on 14.06.2011, as alleged by the bank. This stand of the petitioner was accepted by the Tribunal. However, the same has been reversed by the DRAT in the appeal by the respondent bank being Appeal No. 530/2017 vide judgment 15.12.2020. Consequently, this petition has been preferred by the petitioner.

During the course of hearing, we are informed that in relation to the same subject matter, a trial is pending before the Criminal Court in Case FIR No.58/2013, registered at PS Lodhi Colony under Sections 406,419,420,467,468,471, 34 and 120B IPC. That being the position, we adjourn these proceedings *sine die* while confirming the interim order dated 13.01.2021. It shall be open to the parties to revive these proceedings once the judgment is rendered by the Trial Court.

VIPIN SANGHI, J

DINESH KUMAR SHARMA, J

MARCH 9, 2022
N.Khanna