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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11306/2022 , CM APPLs. 33237-38/2022 & 54132/2022
NITU SINGH Petitioner
Through: Ms. Rajeshwari and Ms. Neeta Bahl,
Advocates.
versus
HDFC BANK LTD Respondent
Through: Mr. Vikas Jadon, Advocate for R-
1/HDFC Bank.
Mr. Pervical Billimoria, Senior
Advocate with Ms. Jasmine
Damkewala, Ms. Rachita Sood,
Ms. Vaishali Sharma and Mr. Uttam
Kumar, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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13.04.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned Senior Advocate for R-2 submits that since the bank's loan has been discharged now the lis is between the private parties i.e. the petitioner(wife) and R-2(husband). The *inter se* rights between the husband and wife needs to be either adjudicated or could be settled amicably.
2. The petitioner/wife claims 50% ownership of properties no.1189, Mukherjee Nagar, Delhi and 2691, Mukherjee Nagar, Delhi on the ground that she has paid 50% or more of the loan amount. The learned Senior Advocate for the R-2 disputes the said contention and submits that payment of the loan amount does not reflect the actual present value of



the property which has enhanced over the property was purchased. He says is multiple times more than the amount for which the loan was taken or repaired. He also disputes the petitioner having paid 50% of the loan amount. He expresses an apprehension that lest third party interests or rights be created in the property, the original property papers be deposited either in an escrow account or before this court.

3. The learned counsel for the parties submit that scores of cases are pending against each other. They would like find a closure to these cases preferably through an amicable resolution of the *lis*. In this regard, the learned counsel for the petitioner says that she will be more than willing to approach the learned Senior Advocate for the R-2 to find an amicable resolution and they will endeavour to discuss the matter in the next 10 days.
4. The petitioner is living in property no.2691, Mukherjee Nagar, Delhi, to which the R-2 has no objection and the R-2 is in possession of property no.1189, Mukherjee Nagar, Delhi, to which the petitioner has no objection. Since the loan apropos the said property has been discharged, let the Bank deposit the original papers of both the properties before this court which shall be kept in safe custody till further orders.
5. List on 15.05.2023.

NAJMI WAZIRI, J

SUDHIR KUMAR JAIN, J

APRIL 13, 2023/N/AM