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

\+ W.P.(C) 17474/2022

ANITA SHARMA ..... Petitioner

Through: Mr. Manish Kumar, Advocate.

versus

JAIN COOP. BANK LTD AND ORS ..... Respondents

Through: Mr. Udit Malik, ASC with Mr. Vishal Chanda, Advocate for GNCTD.
Mr. Deepak Kumar Vijay and Mr.Shubham Shivansh, Advocates for R-5.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% **05.01.2023**

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

CM APPL. 55757/2022 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed-off.

W.P.(C) 17474/2022

3. Issue notice. The learned counsel named above accepts notice on behalf of their respective respondents.
4. Issue notice to the remaining respondents through ordinary process, Speed Post, approved courier, WhatsApp, Signal, SMS, e-mail, through other viable modes of electronic service, returnable before the next date.

5. The petitioner claims to be the owner of 2nd and 3rd floors of property no. 72/2, Gali No.4, Kishan Kunj Extn., Laxmi Nagar, Delhi-110092. It is in an un-authorized colony. Its ownership and peaceful possession for many years, is claimed by the petitioner, on the basis of a Power of Attorney and other related and supporting documents but not through a Sale Deed or a registered document effecting transfer of right or title in her favour.
6. The respondent no.1 is stated to have granted a loan to a third person claiming to be the owner of the aforesaid property, while the petitioner claims to be its owner and in its peaceful possession. She asserts absolute interest therein. She contends that the Bank has possibly been misled into extending a loan to the third party, who had offered the said property as collateral security but without any authority. The borrower could not possibly assert any interest in the said property through a registered document. She submits that in any case, it cannot be put to sale or auction without due notice because the lender Bank's loan was not a secured credit. The impugned order has directed auction of the said property.
7. The learned counsel for the respondent no. 1 seeks time to obtain instructions.
8. Respondent no. 5 shall file documents apropos the electricity connection given to the various occupants in the said building.
9. Re-notify on 17.03.2023.

10. Let status quo apropos the property be maintained.

NAJMI WAZIRI, J

TUSHAR RAO GEDELA, J

JANUARY 5, 2023/sk/kg