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

+ **RFA 99/2020**

NAKUL VIJ

.....Appellant

Through: Mr. Ashok Popli, Advocate

versus

ANUKUL VIJ

.....Respondent

Through: Mr. Ajay Uppal, Advocate

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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02.08.2024

1. Learned Counsel appearing on behalf of the Appellant seeks to rely upon the No Due Certificate issued by the Punjab and Sind Bank dated 29.09.2016 wherein it is contended that the loan account has been adjusted in full and final and there are no dues payable on this property to the bank. He submits that the learned Trial Court has, however, dismissed his suit for partition in view of Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as "SARFAESI Act"].

2. Learned Counsel for the Respondent contests this position. He submits that it is a settled law that Section 34 of the SARFAESI Act is applicable, proceedings are pending before the Debt Recovery Tribunal at New Delhi [hereinafter referred to as 'DRT'], which is numbered as S.A. No. 104/2016. He further submits that the proceedings are still pending as on date.



3. Learned Counsel for the Respondent seeks and is granted liberty to place on record the updated copy of the order sheets as well as the proceedings which are pending before the DRT.

4. In the meantime, parties shall file their respective written synopsis, not exceeding three pages each, at least two days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

4.1 All judgments sought to be relied upon by the learned Counsel for the parties shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

5. List on 03.09.2024 at 4 pm.

TARA VITASTA GANJU, J

AUGUST 2, 2024

g.joshi

Click here to check corrigendum, if any