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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 295/2018**

RAKESH KUMAR & ANR

..... Plaintiffs

Through: Mr. T.K. Ganju, Senior Advocate
with Mr. Bharat Gupta and Mr. Varun
Tyagi, Advocates. (M:9810444651)

versus

BANK OF MAHARASHTRA

..... Defendant

Through: Mr. Roshan Kumar, Advocate.
(M:9958248784)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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12.12.2018

I.A. 7999/2018 & CS(OS) 295/2018

1. The Plaintiffs claim to be the purchaser of property bearing No. N0.51/4-B, Desh Bandhu Gupta Road, Karol Bagh, Delhi-110005 admeasuring 288.27 square yards from the erstwhile owner of the property was Smt. Saroj Marwah. She had admittedly mortgaged this property with the Bank of Maharashtra for a term loan of Rs.1.65 crores. Apart from the said term loan, another charge was created in the property along with 6 other properties in respect of a loan of Rs.6.9 crores from another branch of the Defendant Bank by M/s Bitum Impex.

2. It is submitted by Mr. T.K. Ganju, learned senior counsel for the Plaintiffs that the present application has been filed seeking the deposit of arrears of rent due till 18th April, 2018, make payment of future rent and issue TDS certificates in favour of the Plaintiff, as the Plaintiff purchased the property from Smt. Saroj Marwah on 19th May, 2009 but the Bank is



refusing to atone to his client in spite of being informed by the Plaintiffs that they had purchased the property from Smt. Saroj Marwah.

3. Learned counsel for the Defendant submits that the first loan stands discharged as of 2018 and the rent amount is being adjusted towards the second charge created by Smt. Saroj Marwah/her business entities.

4. Insofar as the rental amounts are concerned, the Bank is duty bound to render accounts at the end of the trial of the suit. Further TDS is also to be deposited by the Bank in respect of rental amounts.

5. The Defendant Bank is accordingly directed to disclose the complete statement of account and the manner in which the adjustment of the rent is being made as also the details of any TDS certificates issued, and if so, to whom, in respect of the rental amount.

6. The Bank to also serve Smt. Saroj Marwah for appearance on the next date of hearing in Court in order to confirm as to whether the sale of the property was made by her in favour of the Plaintiffs during the time when the original title deeds were deposited with the Bank.

7. The Registry shall also send a notice to Smt. Saroj Marwah, w/o Shri S.L. Marwah, R/o 13/64, Punjabi Bagh (West), New Delhi-110026 for appearance on the next date. The Defendant bank is also directed to serve a copy of this order on Smt. Saroj Marwah.

8. List on 18th March, 2019.

I.A. 13413/2018 (u/O VIII Rule 10 CPC)

9. The application is infructuous. I.A. is disposed of.

PRATHIBA M. SINGH, J.

DECEMBER 12, 2018

Rekha