

\$~16

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

+ CS(OS) 430/2018 with I.A. 11917/2018, I.A. 2187/2019,
I.A. 2201/2019, I.A. 6812/2019 & I.A. 11273/2019

SMT. NEERU KOHLI Plaintiff
Through: Ms.Nandni Sahni, Advocate

versus

SHRI RAMESH GUPTA Defendant
Through: Mr.Rishi Manchanda, Advocate
Mr.Gurmehar S.Sistani, Advocate
for Applicant/Cholamandalam
Investment & Finance Co. Ltd.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
03.03.2020

%

1. The plaintiff is present in person. Learned counsel for the defendant states that the defendant was suffering from swine flu and has thereafter suffered a haemorrhage in the eye for which reason he is unable to be present in the Court today. The defendant is directed to remain present on the next date of hearing, failing which, warrants may be issued against him.

2. Learned counsel for the plaintiff seeks time to satisfy the Court regarding the maintainability of this suit in view of Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 [hereinafter, "SARFAESI Act"].

3. Learned counsel for the defendant states that the defendant is willing to settle the dues of the applicant/Cholamandalam Investment & Finance Co. Ltd. [hereinafter, “Cholamandalam”]. Mr.Gurmehar S.Sistani, learned counsel appearing on behalf of the applicant/Cholamandalam, states that his client is also interested in a mediated settlement of the disputes.

4. Consequently, the parties are referred to Samadhan, Delhi High Court Mediation & Conciliation Centre. The parties shall appear before the Mediator on 13.03.2020, at 3:00 p.m. In view of the fact that the applicant/Cholamandalam has already taken action under the SARFAESI Act against the parties and the jurisdiction of this Court requires to be tested, the Mediation Centre is requested to expedite the mediation proceedings.

5. The Mediator is requested to submit a report to the Court before the next date of hearing.

6. List before Court on 24.04.2020.

7. The parties are at liberty to take copies of the electronic record in the meantime.

PRATEEK JALAN, J

MARCH 03, 2020

'hkaur's