

Debts Recovery Tribunal-I, Delhi

OA/586/2023

**CITY UNION BANK LIMITED Vs MS DKB
OPTICAL GUPTA**

22.08.2023

Item no. 08

Present: Mr. Vishal Chopra, Ld. Counsel for the applicant bank.

This matter is taken up by this Tribunal through Video Conferencing.

1. It is a fresh OA filed on behalf of the applicant bank. Registry is directed to issue Notice to the defendant/s. Notice shall be served by official of applicant bank through Dasti Service as well as through Registered Post/Speed Post, email, whatsapp. Etc. in accordance with rules and procedure, upon all the defendants and file Affidavit of Service in the Registry.
2. Registry is also directed to serve the copy of OA containing copy(s) of the documents filed along with the Application filed on behalf of the applicant bank through Registered post. The applicant bank shall file the Affidavit of Service at least one week prior to the next date of hearing.
3. Written Statement be filed by the defendants within 30 days with directions to supply advance copy of the same to the Ld. Counsel for the applicant bank.
4. Ld. Counsel for applicant bank also states that this OA is for recovery of more than Rs.53.42 Lakhs, and there is an apprehension that the defendants will dispose off their property/assets which are mortgaged/ hypothecated with the applicant bank.
5. Ld. Counsel for applicant bank has prayed to grant interim relief(s) of the plaint.
6. I have heard the arguments of Ld. Counsel for applicant bank. This OA has been supported with an affidavit. I have perused the OA, affidavit and the contents of documents executed by the defendants. Having considered the arguments of Ld. Counsel and after perusal of the record I am of the view that applicant bank has succeeded in establishing a prima facie case in their favour. The balance of convenience also lies in their favour and if ex-parte interim order is not

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granted in favour of the applicant bank, it may suffer and irreparable loss be caused which cannot be compensated in terms of the money.

7. Looking into the facts & circumstances of the OA, prayers at para no. 7 of OA is allowed and defendants are restrained from selling, alienating, transferring or creating and third party interest in respect of the mortgaged properties/ hypothecated assets, till further orders of this Tribunal.

8. Let notice on other prayer as mentioned in the O.A. be also issued to the defendants inviting their reply(s).

List this matter on **21.11.2023**, before the Ld. Registrar for completion of pleadings.

Sd-

(GOVIND BALLABH SHARMA)
Presiding Officer,
DRT-I, Delhi

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