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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2620 OF 2017

Krishna Kumar Singh	..Petitioner.
Vs.	
Punjab National Bank & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2621 OF 2017**

Mr. Jagmohan Singh Nula	..Petitioner.
Vs	
Punjab National Bank & Ors	.. Respondents.

**WITH
WRIT PETITION NO.2622 OF 2017**

Dinesh Gahlot	..Petitioner.
Vs	
Punjab National Bank & Ors	..Respondents.

**WITH
WRIT PETITION NO.2623 OF 2017**

Mr. Laxman Hemandas Lalwani	..Petitioner.
Vs	
Punjab National Bank & Ors	..Respondents.

Mr. Mohan Singh Maggo i/by Ms. Soniya Mohansingh Maggo for
Petitioners in all Petitions.
Mr. Prakash Shinde a/w Ms. Anbreen Saheed and Mr. Rohan B. Agarwal
i/b MDP & Partners for Respondent No.1-Bank in all Petitions.

**CORAM: R.M. BORDE AND
A.S. GADKARI, JJ.**

DATE: 02 MARCH 2017.

P.C.:

1] The petitioners claim to be a tenant in respect of premises and seek protection from eviction. The proceedings have already been initiated for taking possession of the secured assets by the respondent-bank in order to recover dues borrowed by the principal borrower.

2] In order to ascertain the bona fides of the petitioners, we called upon the learned counsel appearing for the petitioners to produce cogent documentary evidence for establishing their tenancy. However, petitioners are not in a position to produce any documentary evidence in support of their claim. Although the petitioners claim that they have been inducted in the premises as tenants prior to execution of mortgage, we do not find any corroborative evidence to establish the claim of the petitioners being tenants inducted over the premises prior to execution of mortgage agreement by the borrower. The petitioners are claiming that they are operating shops in the premises. It was natural for the petitioners to obtain licence from the Licensing Authority to operate shops apart from having sales tax registration certificate or record in respect of entries in the

Income-tax Returns. However, such record is not forthcoming.

3] The petitioners are not in a position to put before us any document to corroborate their claim except alleged rent receipt. According to us, prima facie, the petitioners do not have any reliable evidence in their possession to support their claim as tenants. We are not inclined to exercise discretionary writ jurisdiction under Article 226 of the Constitution of India for the reasons as recorded above. Hence, no interference is called for. The writ petitions being devoid of merits, are dismissed.

4] The learned counsel for the petitioners seek grant of week's time to enable them to avail remedies available in law. Since prima facie the petitioners have failed to establish their claim of being tenants, we are not inclined to grant the request of the petitioners. The request made is rejected.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)