

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.29519 of 2017 (O&M)

Date of Decision:- 21.12.2017

Sunil Bhasin

... Petitioner

Versus

Deputy Commissioner and others

... Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurminder Singh Gill

Present:- Mr. Karan Singh, Advocate for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 5.12.2017 passed by the District Magistrate, Panchkula, whereby application filed by the bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for taking possession of House No.98, Sector-4, Panchkula, has been allowed.

Learned counsel for the petitioner, on instructions from the petitioner, who is present in person in Court, stated that though the petitioner is a tenant in the premises in dispute from the year 2008, however, still there being dispute with the bank, he will hand over vacant physical possession of the property in question to the bank on or before 31.3.2018. The time is required to enable the petitioner to locate alternate house to shift his family.

As a consequence, nothing will survive even in the civil suit filed by the petitioner titled as Sunil Bhasin Versus Ashok Mittal and others, bearing CNR No. HRPK02-000653 of 2017, pending in the Court of Civil

Judge (Junior Division), Panchkula, the next date of hearing being 1.2.2018.

Considering the statement made by learned counsel for the petitioner and the fact that petitioner is residing in the premises in dispute, where even interim stay has also been granted by the civil Court staying his dispossession unless in due course of law, we deem it appropriate to grant time to the petitioner till 31.3.2018 to vacate the same and hand over vacant physical possession to the representative of the bank. On failure, the bank shall be entitled to take possession, in terms of the order passed by the District Magistrate, Panchkula. The civil suit filed by the petitioner, as noticed above, shall stand disposed of thereafter, as infructuous.

The bank shall be at liberty to file application for recalling/clarification/modification of the order, if aggrieved.

The present petition is disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

21.12.2017
pankaj

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No