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

+ **TR.P.(CRL.) 6/2017**

CENTRAL BANK OF INDIA

..... Petitioner

Through: Mr. D.K. Devesh, Advocate.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Mukesh Kumar, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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16.01.2017

Crl.M.A. Nos.792/2017 and 834/2017

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

TR.P.(CRL.) 6/2017

Issue notice. Mr. Mukesh Kumar accepts notice on behalf of the
State.

The petitioner has preferred the present transfer petition to seek
transfer of case bearing CC No.74/4 titled *Central Bank of India Vs. Rajesh
Tanwar & Ors.* from the Court of Ms. Charu Aggarwal, learned CMM
(West), Tis Hazari Courts, Delhi to another Court having jurisdiction under

the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002.

The petitioner has preferred this petition with the grievance that the petitioner has not been able to take physical possession of the property bearing House No.WZ-408 A, Right Side Portion of 3rd Floor with terrace, part of Khasra No.698, Basai Darapur, New Delhi – 110015 on account of objection filed by respondent No.4, who claims to be a tenant in the said premises, which originally belong to respondents No.2 & 3. Respondents No.2 & 3 did not file any objection/ reply to the petitioner's application under Section 14 of the SARFAESI Act, 2002. However, respondent No.4 filed his objection on 14.05.2016 by claiming tenancy for the period 10.04.2013 to 09.04.2018. The petitioner points out that on the said application, the Trial Court has granted stay of the order dated 08.04.2016. The matter has been taken up on 19.05.2016, 31.05.2016, 02.06.2016, 23.06.2016, 27.07.2016, 06.09.2016 and 24.10.2016.

Thereafter, the petitioner moved an application under Section 14 of the SARFAESI Act in view of the amendment made to the Act requiring disposal of the objections within 60 days. However, the said application was also adjourned on 24.10.2016 to 02.11.2016. The matter was thereafter adjourned to 21.11.2016, 02.12.2016, 14.12.2016, 21.12.2016, 26.12.2016 and now it stands adjourned to 23.01.2017, as informed by learned counsel for the petitioner.

This Court cannot appreciate the manner in which the learned CMM is proceeding in this case. Such delays lead to raising of concerns and doubts with regard to the independence and competence of the Court. The learned CMM (West), Delhi is, therefore, directed to dispose of the matter

within the next 10 working days positively.

The petition stands disposed of.

This order be communicated to the concerned CMM without any delay.

Order Dasti under the signature of the Court Master to the petitioner.
The order be communicated to the learned CMM by the petitioner as well.

VIPIN SANGHI, J.

JANUARY 16, 2017

B.S. Rohella