

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR no.1782 of 2017

Date of Decision: 17.12.2018

Baljeet @ Kuldeep

...Petitioner

Vs.

Lal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Arjun Lakhanpal, Advocate for the petitioner.
Mr. Karamyog Singh Riar, Advocate, for
Mr. Aalok Jagga, Advocate, for respondent no.2

Amol Rattan Singh, J (Oral)

On 19.09.2018, the following order had been passed:-

“Mr. Atul Lakhanpal, learned Senior Counsel appearing for the petitioner, very fairly submits that the judgments which were sought to be relied upon by him were pertaining to matters prior to the amendment made in Section 17 of the SARFAESI Act, 2002, by way of inserting sub-section 4A thereto, i.e. those matters prior to 2016.

He therefore submits that the judgment of this Court in **Karan Arora v. Ashwani Mehta and others** (Civil Revision No.4652 of 2018) decided on 27.07.2018, against which the SLP has been dismissed, would not be distinguishable at this stage.

He further submits that in view of the above, the petitioner does not wish to contest the matter before the Debt Recovery Tribunal and only seeks time till 15.12.2018 to hand over vacant and peaceful possession of the suit property.

Mr. Aalok Jagga, learned counsel appearing for respondent no.2 (Dena Bank) does not object to the above but submits the keys of the premises should be handed over to the bank and not to respondent no.1, i.e. the landlord, the bank otherwise having issued notice under Section 13 of the said Act to respondent no.1.

I see no reason to deny that request because, in any case, if

respondent no.1 is aggrieved of any action of the bank, obviously he has an independent remedy before the Debts Recovery Tribunal.

Consequently, without prejudice to the rights of respondent no.1 as per any legally instituted and valid proceedings initiated by him, time is granted to the petitioner to hand over vacant possession of the suit property to the respondent-bank (Dena Bank), on 15.12.2018, in the presence of respondent no.1, if due notice is given to him and he responds to the said notice. Of course, if he does not come present at the place after notice, where the keys are handed over, it would be not necessary to hand over the vacant possession of the premises in his presence.

Adjourned to 17.12.2018.

To be shown in the urgent list.”

Learned counsel for the respondent-bank submits that the vacant possession of the suit property has been handed over to the bank by the petitioner.

That being so, this petition has been rendered infructuous and is disposed of as such.

17.12.2018
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : No