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

**Civil Revision No.4161 of 2018 (O&M)
Date of Decision : 04.07.2018**

Sunil Kumar Khanna V/s. M/s Monga Ispat Ltd. and others

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present :- Mr. Vikas Bali, Advocate
 for the petitioner.

B.S. Walia, J (Oral)

Learned counsel contends that the petitioner is a tenant in the property owned by defendant/respondent Nos.1 and 2 which is mortgaged with defendant/respondent No.3. The defendant/respondent No.3 has taken out proceedings against defendant/respondent Nos. 1 and 2 under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and petitioner has moved an application in the civil suit filed by him for protection of his possession qua the tenancy created by defendant Nos.1 and 2 in favour of the petitioner but the Bank i.e. respondent/defendant No.3 has filed an application under Order 7 Rule 11 of the CPC by relying upon the provisions of Section 34 of the SARFAESI Act, to contend that the Civil Court has no jurisdiction.

Learned counsel contends that in view of the decision of the Hon'ble Supreme Court in '**Vishal N. Kalsaria versus Bank of India and others**' 2016 AIR (SC) 530, the petitioner is entitled to protect the

tenancy created in his favour in accordance with the provisions of the Rent Control Act, for which the remedy is exclusively before the Civil Court. Learned counsel contends that the only relief which is being sought by the petitioner in the instant case is for issuance of directions to the learned trial Court to decide the application filed by the petitioner under Order 7 Rule 14 of the CPC for the documents sought by the petitioner regarding the mortgage created by defendant Nos.1 and 2 in favour of defendant No.3 since the same has a bearing on the rights of the petitioner as a tenant in the context of the date on which the mortgage was created.

Learned counsel contends that despite the petitioner having filed the application under Order 7 Rule 14 of the CPC more than six months ago, the same has not been decided till date while on the other hand, last opportunity has been granted to the petitioner to file reply to the application under Order 7 Rule 11 of the CPC by 12.07.2018.

Considering the fact that the prayer of the petitioner is limited and no useful purpose would be served by issuing notice of motion rather the same would delay the proceedings, it is deemed expedient to dispose of the instant petition by directing the learned trial Court to consider and decide the application under Order 7 Rule 14 of the CPC filed by the petitioner/plaintiff in accordance with law as expeditiously as possible and till such time that the application is not decided, the date for filing reply to the application under Order 7 Rule 11 of the CPC shall be extended by the learned trial Court.

Needless to mention, it is expected that the learned trial Court would proceed to decide the application filed by the petitioner

under Order 7 Rule 14 of the CPC as expeditiously as possible preferably within a period of 15 days from today.

Disposed of in the aforementioned terms.

(B.S. Walia)
JUDGE

04.07.2018
Manpreet

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No