

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.8205 of 2017

Date of Decision.20.03.2018

Inderpal Singh

.....Petitioner

Vs

M/s Freedom Rubber Ltd. and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

-:-

AMIT RAWAL J.(ORAL)

After arguing for some time and realizing that this Court is not going to interfere in view of the provisions of Section 17(4-A)(i) of the SARFAESI Act, which are reproduced as under, Mr. Batra learned counsel appearing for the petitioner seeks liberty of this Court to withdraw the revision petition with liberty to avail the remedy as prescribed under the SARFAESI Act:-

“17(4-A) Where-

(i) any person, in an application under sub-section (1), claims any tenancy or leasehold rights upon the secured asset, the Debt Recovery Tribunal, after examining the facts of the case and evidence produced by the parties in relation to such claims shall, for the purposes of enforcement of security interest, have the jurisdiction to examine whether lease or tenancy,-

(a) has expired or stood determined; or

(b) is contrary to Section 65-A of the Transfer of Property Act,

1882; or

(c) is contrary to terms of mortgage; or

(d) is created after the issuance of notice of default and demand by the Bank under sub-section (2) of Section 13 of the Act; and

xxxxx

xxxxx

xxxxx

Ordered accordingly. The revision petition is dismissed as withdrawn with liberty as aforesaid.

(AMIT RAWAL)
JUDGE

March 20, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No