

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3307-2018

Date of Decision: February 19, 2018

Renu Jain

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

Present: Mr.Vaneet Kumar Sharma, Advocate
for the petitioner.

.....

SURYA KANT, J.

The petitioner is aggrieved by the orders dated 10.10.2016 and 08.09.2017 passed by Debts Recovery Tribunal-III, Chandigarh and the Debts Recovery Appellate Tribunal, Delhi respectively, whereby the claim to protect her possession over the 'secured asset' on the basis of alleged 'tenancy' has been turned down. It is not disputed by the petitioner that the borrowers, namely, respondent Nos.7 to 10, who are owners of the premises in question have mortgaged the same in favour of respondent No.6-State Bank of India while availing the loan facility. The said 'secured asset' has been subject matter of measures taken under Sections 13 and 14 of the the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'). No sooner

the process to take physical possession of the 'secured asset' was initiated, the petitioner approached DRT claiming that the property had been rented out to her on 15.12.2015 when admittedly the notice under Section 13(4) of the SARFAESI Act had been already issued on 10.02.2015. It is also the conceded position that no permission was taken from the Bank for creating the alleged tenancy. There is otherwise no convincing proof on record in support of the tenancy. The petitioner appears to be a relative of the borrowers. The so-called tenancy is an act of collusion as an attempt to defeat the rights of the Bank under the SARFAESI Act.

[2] In this view of the matter, no case to interfere with the impugned orders is made out.

[3] Dismissed.

(SURYA KANT)
JUDGE

February 19, 2018
meenuss

(SHEKHER DHAWAN)
JUDGE

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |