

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8040 of 2018.

Date of Decision: May 01, 2018

Davinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Pranav Handa, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner claims himself to be a tenant in the residential house which is mortgaged by the owner with the respondent-bank as a security for loan. Since the bank has initiated action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the petitioner apprehends his dispossession from the mortgaged house.

In our considered view, the question whether the petitioner is a *bonafide* tenant or was he inducted as tenant before the house was mortgaged etc. are questions of facts which can be effectively determined by the Debts Recovery Tribunal in view of the express powers conferred on it under Section 17 (4A) of 2002 Act. The writ petition is accordingly disposed of relegating the petitioner to avail the above-stated remedy.

With a view to enable the petitioner to approach the Debts

the mortgaged house be maintained for one week from today.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 01, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No