

HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
HONOURABLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1563 of 2019

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

The petitioner claims to be a tenant in occupation of the secured asset owned by respondent No.2 herein. She is aggrieved by the proceedings initiated by Edelweiss Housing Finance Limited, the secured creditor, to take possession of the said tenanted premises under the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

2. According to the petitioner, she has been in possession of the subject tenanted premises for over 12 years.

3. Sri L.Jagannadham, learned counsel appearing for respondent No.1, Edelweiss Housing Finance Limited, would inform this Court that having followed the due procedure prescribed under the SARFAESI Act, possession of the subject tenanted premises was sought to be taken pursuant to the order dated 22.02.2018 passed by the learned Chief Metropolitan Magistrate, Hyderabad, in exercise of power under Section 14 thereof.

4. Be it noted, when this matter came up for admission on 29.01.2019, this Court had directed the petitioner to come up with a proposal for vacating the subject tenanted premises within a specified time.

5. None of the unofficial respondents chose to put in their appearance before this Court though one of them, viz., respondent No.5, was duly served.

6. Sri L.Jagannadham, learned counsel, would inform this Court that none of the unofficial respondents filed any independent case in relation to this cause of action.

7. While so, the petitioner filed an affidavit dated --/07/2019 stating that she and her family would require time till the end of September, 2019, to relocate. The undertaking of the petitioner as set out in the affidavit dated --/7/2019 is taken on record.

8. Sri L.Jagannadham, learned counsel, fairly states that respondent No.1 would be agreeable to extension of time up to the end of September, 2019, to enable the petitioner to vacate and hand over peaceful physical possession of the subject tenanted premises pursuant to the order dated 22.02.2018 passed by the learned Chief Metropolitan Magistrate, Hyderabad, in exercise of power under Section 14 of the SARFAESI Act.

9. The Writ Petition is accordingly disposed of permitting the petitioner to remain in occupation of the subject tenanted premises till 30.9.2019. The vacant and peaceful physical possession of the subject tenanted premises shall be handed over by her to the authorised representative of Edelweiss Housing Finance limited, Hyderabad, on 01.10.2019 at 10 am.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE P.KESHA RAO

15th July, 2019
dr