

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

CWP-7361-2020

Date of Decision:14.05.2020

Suman Manchanda

....Petitioner

Vs.

Jammu and Kashmir Bank Limited and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE JASWANT SINGH**

Present: - Mr. Arvind Kashyap, Advocate, with
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana.

RAKESH KUMAR JAIN, J. (Oral)

Case taken up through Video Conferencing.

The petitioner claims herself to be a tenant in the property mortgaged by the private respondents with respondent No.1 as a security for obtaining loan.

Counsel for the petitioner has submitted that respondent No.8 has created an oral tenancy in her favour w.e.f. 1.07.2016 and by virtue of the proceedings having been initiated at the instance of respondent No.1 for taking possession, the petitioner is likely to be dispossessed from the said premises.

After hearing learned counsel for the petitioner and perusing the available record, we are of the considered view that the petitioner has wrongly averred in para No.17 of the writ petition that she does not have an alternate remedy to establish her tenancy on the mortgaged property, though she has a statutory remedy under Section 17(4A) of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

In view thereof, we relegate the petitioner to avail her statutory remedy before the Debt Recovery Tribunal, if so advised, but insofar as the present writ petition is concerned, it is not maintainable in view of the aforesaid observations and is dismissed as such.

(RAKESH KUMAR JAIN)
JUDGE

(JASWANT SINGH)
JUDGE

14.05.2020

Vinod/Vivek*