

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP-20982-2020 (O&M)
Date of Decision: 9th December, 2020

Arun Kumar

....Petitioner

VERSUS

State of Haryana and others

....Respondent

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Ms. Urvashi Dhugga, Advocate for the Petitioner.

Dr. S. Muralidhar, J.

CM-13399-CWP-2020

1. This is an application for placing on record a fresh synopsis to the main writ petition.
2. For the reasons stated therein, the application is allowed and the synopsis is taken on record.

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3. The petitioner claims to be a tenant in the property, as described in para 2 of the writ petition, possession of which is sought to be taken over by the Respondent No. 4/Bank under the SARFAESI Act, 2002, on account of the borrowers (Respondent Nos. 5 to 6), who are stated to be the Petitioner's landlords, defaulting on the loan availed by them from the Respondent No. 4/Bank.
4. The Court is of the considered view that the Petitioner should exhaust the statutory remedy available to him under the SARFAESI Act by approaching the Debts Recovery Tribunal (DRT). The plea that the

impugned order dated 25th September, 2020 of the Respondent No. 2/District Magistrate, Panipat, directing possession of the property in question to be taken, violates the status quo order dated 24th February, 2020 of the Civil Court, *qua* the aforesaid property, is an aspect that can well be examined by the DRT in accordance with law. Accordingly, the Court is not inclined to interfere at this stage in the present matter.

5. Leaving it open to the Petitioner to work out his remedies under the SARFAESI Act, the present petition is dismissed.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

9th December, 2020
jk

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No