

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

CWP No. 12370 of 2022

Date of Decision: May 31, 2022

Surinder Kumar Suneja and others

...Petitioners

Versus

Union Bank of India and others

...Respondents

**Coram: Hon'ble Mr. Justice M.S. Ramachandra Rao
Hon'ble Mr. Justice H.S. Madaan**

Present:- Mr. Pankaj Gupta, Advocate for the petitioners.

M.S. Ramachandra Rao, J. (Oral)

Notice of motion.

Mr. Gaurav Goel, Advocate accepts notice for respondent No.

1.

The petitioners asserts that they have been in occupation of the secured asset as tenants since 1985, and they are sought to be evicted therefrom pursuant to an order dt.5.4.2002 passed by respondent No. 2 on 7.6.2022 through a notice (Annexure P5) served by way of affixture on 25.5.2022.

Mr. Gaurav Goel, Advocate for respondent No. 1 states that the property in question has been sold on 17.2.2022, and sale certificate has also been issued to the auction purchaser. He points out that the petitioners have a remedy under Section 17(4) of the SARFAESI Act, 2002 before the Debts Recovery Tribunal, and that the petitioners be directed to avail the said remedy.

Having regard to the fact that the petitioners have an effective alternative remedy under Section 17(4) of the SARFAESI Act, 2002, and since the factum of tenancy needs to be established, granting liberty to the petitioners to approach the said Forum by 15.7.2022, and seek appropriate interim relief there, the respondents are directed not to dispossess the petitioners from the secured asset till 15.7.2022.

The Writ Petition is disposed of accordingly. This Court has not expressed any opinion about the factum of tenancy between the petitioners and the borrower.

(M.S. Ramachandra Rao)
Judge

(H.S. Madaan)
Judge

May 31, 2022
P. Singh

Whether speaking/reasoned?

Yes/No

Whether Reportable?

Yes/No