

Both sides are present. This contemplated SA is filed by third party tenant challenging the measures initiated by respondent bank under Section 14 of SARFAESI Act before Ld.CJM, Chengalpattu in C.M.P. No. 4339 of 2023 dated 13.07.2023 for recovery of a sum of Rs.50,36,963/-.

It is the case of applicant that she is a tenant in the schedule mentioned property, which is mortgaged with the respondent bank and which is being sought for taking physical delivery pursuant to orders of the Ld. CJM dated 13.07.2023. It is the case of applicants that they intend to vacate the premises themselves voluntarily, if three months time is given, which would end by 30.10.2023. Ld. counsel prayed for an order accordingly, granting hem permissive possession till 30.10.2023.

Whereas, Ld. counsel appearing for first respondent submits that applicant is put on notice about SARFAESI actions as early as in November, 2022 and the present CJM order is not any surprise to them and that they have been seeking this three months time ever since 2022 and now again asking for extension of time is only to deny the respondent from proceeding further. Ld. counsel submits that applicant is not supported by any agreement with the mortgagor for them to squat over the property and opposed granting of further three more months time to vacate.

From the foregone submissions, it is evident that applicant is aware of the SARFAESI actions of respondent institution as well as the default of the mortgagor, however as it is reported that premises is a residential dwelling unit, applicant is permitted time upto 30.09.2023 to vacate the premises voluntarily, failing which, first respondent financial institution will be entitled to execute their warrant in accordance to law. Liberty be with respondent to initiate further action by disclosing the said fact in their subsequent actions, if warranted.

With the above directions, SASR No.10158/23 (Dy. No.4298/23) stands disposed. Interim order, if any granted and subsisting till this day stands vacated and all other IAs, if any pending stand closed.

PO