

SA/333/2023

03.08.2023

IA No.1085/2023 (Emergent) – Heard the Ld. Counsel for applicants. Perused the affidavit. Satisfied with the reasons for urgency. Hence, this IA No.1085/2023 is allowed.

IA No.1086/2023 (Stay) – This IA is taken up for hearing as IA No.1085/2023 is allowed.

Ld. Counsel for applicant present.

This SA is filed by the applicant who is claiming to be a tenant impugning the measures taken by the respondent leading to the impugned notice of the Advocate Commissioner dated 4.7.2023 issued in pursuant to the order of the Ld. CMM, Egmore, Chennai dated 10.4.2023 in Crl. M.P. No.3580/2023.

Heard the Ld. Counsel for the applicant. Considering the fact that the applicant is claiming the tenancy based on unregistered lease deed that too dated 27.05.2023, this Tribunal is of the view that applicant cannot assail the measures initiated by the respondent bank under the provisions of the SARFAESI Act.

Since the applicant is claims to be a tenant in the ground floor, it is for the respondent bank to report as to how much time can be given to the applicant to vacate the ground floor of the premises.

Hence, issue notice to the R1 and notice to the R2 is dispensed with. In the meanwhile dispossession of applicant from the ground floor of the scheduled property shall stand stayed till next posting date. Post this matter on 30.08.2023 for further proceedings.

PO