

22.01.2021
Court No. 19
Item 14
CP

C.O. No. 1490 of 2020

Ratna Saha & Anr.
Vs.
Vinod Pandey & Anr.
(via video conference)

Mr. Aniruddha Chatterjee,
Mr. Saptarshi Kumar Mal

...for the Petitioners.

The petitioners are the added defendants in Title Suit No.35 of 2015, being the auction purchasers who purchased a mortgaged property pursuant to a public notice issued by the Indian Bank. The petitioners filed an application under Order VII Rule 11 of the Code of Civil Procedure before the learned Civil Judge (Junior Division), 1st Court at Durgapur praying for rejection of the plaint.

Mr. Chatterjee, learned Advocate appearing for the petitioners, submits that the rights of a tenant is to be decided under the provisions of Section 17(4A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and he has specifically pleaded in this application that the tenant was set up by the defendant No.1 much after the petitioners had purchased the suit

property in a public auction and this point has to be decided by the learned Tribunal and not in the civil suit.

Stay of all further proceedings in Title Suit No.35 of 2015 pending before the learned Civil Judge (Junior Division), 1st Court at Durgapur up to June 30, 2021 or until further orders whichever is earlier.

List this matter along with C.O. 242 of 2020 on March 17, 2021 under the heading “**Hearing**” at 2 pm.

The petitioners are directed to serve copy of this revisional application upon the all opposite parties along with a server copy of this order by speed post and file affidavit-of-service on the next date of hearing.

(Shampa Sarkar, J.)