

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1389/2006

(From the judgement and order dated 08/02/2006 in CRLWP No.644/2005 of the HIGH COURT OF BOMBAY AT AURANGABAD)

SUKHRAMDAS

Petitioner(s)

VERSUS

JALGAON PEOPLES COOP. BANK LTD. & ORS.

Respondent(s)

(With application for ex-parte stay and exemption from filing O.T.)

Date: 07/04/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s) Mrs. Sudha Gupta,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Learned counsel for the petitioner contends that having regard to the provisions of Section 19 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the High Court has committed a manifest error in holding that the petitioner has a

that the said right of appeal in terms of Section 17 thereof. Even assuming
on, still then the contention of the petitioner is correct, in our opini
petitioner as a petition was not maintainable inasmuch as the status of the
ice that tenant can be declared only by a civil court. We may furthermore not
there exists disputed the High Court has arrived at a finding of fact that
petition was not questions of fact and as such on that ground also the writ p
out for maintainable. We are, therefore, of the opinion that no case is made
leave petition is interference with the impugned judgment. The special l
dismissed.

(A.S. BISHT) (PUSHAP LATA BH
ARDWAJ)

COURT MASTER

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