

REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A. 2 OF 2016  
IN  
CIVIL APPEAL NO. 5401 OF 2016  
[@ SPECIAL LEAVE PETITION (C) NO. 19616 OF 2015]

ant(s)

SANJIVKUMAR SURAJPRAKASH AGGARWAL

Appell

VERSUS

dent(s)

STATE BANK OF INDIA AND ORS.

Respon

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The dispute in this appeal is whether the tenancy created in favour of the appellant is a sham one or

not. It is not in dispute that there is

adjudication on this aspect. Under Section 14 of the SARAFAESI Act, this aspect can be adjudicated before the Chief Metropolitan Magistrate, Esplanade Court, Mumbai.

3. Mr. Amarendra Sharan, learned senior couns

appearing for the Bank, submits that the Magistrate, in fact, had gone into the aspect while deciding the Invervention Application.

4. We do not think that the same would be sufficient

in adjudicating the issue regarding tenancy.

In o

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Digitally signed by  
JAYANT KUMAR ARORA  
Date: 2016.07.06  
11:03:59 IST  
Reason:

opinion, an inquiry, with the participation of the appellant, would be in the fitness and fairness of



CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Abhishth Kumar, Adv.

For Respondent(s) Mr. Amarendra Sharan, Sr. Adv.  
Mr. Anil Kumar Sangal, Adv.  
Mr. Siddharth Sangal, Adv.

Mr. Shibashish Misra, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The civil appeal and I. A. No. 2 are disposed of in terms of  
the signed non-reportable Judgment.

Other pending interlocutory applications, if any, are  
disposed of.

(Jayant Kumar Arora)  
Sr. P.A.

(Renu Diwan)  
Court Master

(Signed non-reportable Judgment is placed on the file)