

**HON'BLE SRI JUSTICE R.SUBHASH REDDY  
AND  
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

**CIVIL REVISION PETITION No.2791 of 2015**

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**ORDER :** (per Hon'ble Sri Justice R.Subhash Reddy)

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/appellant aggrieved by the docket order dated 07.07.2015 in S.A.No.190 of 2014 passed by the Debts Recovery Tribunal, Hyderabad, dismissing the appeal for default.

2. The petitioner herein has filed Securitisation Appeal being S.A.No.190 of 2014 before the Debts Recovery Tribunal, Hyderabad, aggrieved by the measures taken by the 1<sup>st</sup> respondent-Bank under Section 13(2) and (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "the SARFAESI Act") in pursuance of the sale notice dated 7.2.2014 by fixing auction sale on 13.3.2014 for sale of the petition schedule property (Item No.3 property of the said notice), and also sought for stay of all further proceedings. The Tribunal, by docket order dated 12.3.2014, permitted the 1<sup>st</sup> respondent-Bank to proceed with the auction sale of the schedule property (item No.3 property) along with other properties (item Nos.1 and 2) as per schedule on 13.3.2014 in pursuance of the e-Auction sale notice dated 7.2.2014. However, it is observed that the said sale shall be subject to the result of the appeal. The respondent-Bank was further

directed not to dispossess the petitioner from the schedule property (item No.3 property of auction notice) till disposal of the appeal and without following the due procedure for her eviction.

3. When the matter was listed for hearing on 2.7.2015, it was adjourned to 8.10.2015. Subsequently, it appears that in view of the directions issued by this Court by order dated 23.06.2014 in W.P.No.15868 of 2014, fixing time-frame for disposal of S.A.No.190 of 2014, the appeal was advanced to 7.7.2015 and as there was no representation for the petitioner, it was dismissed for default on the same day. Hence, the present civil revision petition.

4. It is submitted by Sri D. Pochaiah, learned counsel for the petitioner, that S.A.No.190 of 2014 was disposed of without giving proper opportunity of hearing to the petitioner. It is submitted that when the appeal was advanced as per the directions of this Court, it was dismissed for default on 7.7.2015.

5. On the other hand, it is submitted by Sri G.K. Deshpandey, who took notice and argued on behalf of 1<sup>st</sup> respondent-Bank, that in view of the directions issued by this Court by order dated 23.06.2014 in W.P.No.15868 of 2014, the aforesaid appeal was advanced and dismissed for default, as the petitioner has not cooperated for disposal of the appeal when it was listed for hearing on 7.7.2015.

6. The docket proceedings placed on record by the petitioner would show that when S.A.No.190 of 2014 was listed on 2.7.2015, it was adjourned to 8.10.2015. It appears that in view of the directions issued by this Court, by order

dated 23.06.2014 in W.P.No.15868 of 2014, it was advanced to 7.7.2015 and dismissed for default on the same day. But, at the same time, it is to be noticed that only on one occasion i.e., on 7.7.2015 when the matter was called, as there was representation on behalf of the petitioner, on the same date, it was dismissed for default.

7. In view of the long pendency of the appeal, learned counsel for the petitioner requests to allow the civil revision petition by setting aside the impugned order dated 7.7.2015 with a direction to the Incharge Officer of Debts Recovery Tribunal, Hyderabad, who is holding the Tribunal for 3 days in a month, to dispose of the matter within a time frame.

8. When the matter was listed for hearing on 2.7.2015, it was adjourned to 8.10.2015. After advancement of the appeal, only on one occasion, the petitioner was absent on 7.7.2015, on which date, the appeal was dismissed for default. Therefore, we deem it appropriate to dispose of the civil revision petition by setting aside the impugned order dated 7.7.2015 with a direction to the Debts Recovery Tribunal, Hyderabad, to dispose of S.A.No.190 of 2014 itself, as expeditiously as possible, preferably within a period of two months from today. The respondent shall file a Memo before the Tribunal requesting for disposal of the matter expeditiously, duly enclosing a copy of the order dated 23.06.2014 in W.P.No.15868 of 2014.

9. Subject to the above direction, this civil revision petition is disposed of. As a sequel, miscellaneous petitions

pending, if any, in this revision shall stand closed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

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JUSTICE A.SHANKAR NARAYANA

03.08.2015.

Msr

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