

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.20838 of 2015

ORDER:

The petitioner states that he purchased a house bearing No.C-901, NGO's Colony, Vanasthalipuram, Hyderabad, from its original owner. When the 2nd respondent - Bank tried to take steps for eviction of the petitioner, the petitioner came to know about the attachment of the premises, in a case pending against the Ex-Manager of the 2nd respondent, pursuant to a surcharge order passed against her. The said premises appears to have been attached on 15.03.2011, pursuant to an order, dated 11.03.2011. The petitioner filed Claim Petition No.1 of 2011 before the 1st respondent on 03.09.2011 and the 2nd respondent - Bank filed I.A.No.1 of 2012 calling for certain documents, which are not in possession of the petitioner. However, the 1st respondent passed an order on 10.08.2012 in I.A.No.1 of 2012 and aggrieved by the same, the petitioner filed C.T.A.No.63 of 2012 before the Andhra Pradesh Cooperative Tribunal (for short, 'the Tribunal') on 13.08.2012 along with an application in I.A.No.169 of 2012 to stay all further proceedings including the auction of the house. When no orders were passed in I.A.No.169 of 2012, the petitioner filed W.P.No.263 of 2013 and the same was disposed of on 15.03.2013 directing the Tribunal to dispose of the application within a period of two months. Thereafter, the Tribunal partly allowed C.T.A.No.63 of 2012 by judgment, dated 13.05.2013, and the petitioner complied with the said order. However, when I.A.No.1 of 2012 filed by the petitioner was not disposed of by the 1st respondent,

the present Writ Petition is filed.

In view of the relief sought for in the Writ Petition, learned counsel for the respondents also do not object for disposal of the Writ Petition by directing the 1st respondent to consider the Claim Petition No.1 of 2011 in E.P.No.2 of 2009 on his file within a period of two months from the date of receipt of a copy of this order by giving due opportunity to the parties before him in the said petition.

With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date:20.08.2015

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