

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

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WRIT PETITION No.37193 OF 2015
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ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed questioning the order, dated 20.10.2015, passed in S.A.No.119 of 2015 by the Debts Recovery Tribunal, Visakhapatnam.

The 2nd respondent has availed loan facility from the 1st respondent – Bank and has defaulted in repaying the same. Therefore, the 1st respondent – Bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and issued Sale Notice, dated 19.01.2015. Aggrieved by the sale that took place pursuant to the said sale notice, the 2nd respondent has filed the present appeal under Section 17 of the Act. Pending S.A., the petitioner herein has filed an application to implead her as party appellant in the appeal. The Tribunal, by impugned order, dated 20.10.2015, having considered the objections of the 2nd respondent, while dismissing the appeal, disposed of the applications pending therein.

In this Writ Petition, it is the grievance of the petitioner that though she is a co-owner of the secured asset and is having interest in the said property and though she has filed an application in the appeal for

impleading her as an appellant, the same was not considered by the Tribunal and final orders are passed in the appeal along with the pending applications.

Even if impleaded as an appellant in the present appeal, the petitioner cannot agitate her right for share in the secured asset. If the petitioner is aggrieved of the steps taken by the 1st respondent - Bank, it is open to her to approach the Debts Recovery Tribunal independently but only on the ground that the implead petition filed by her is not allowed, she cannot assail the order passed in the appeal filed by the 2nd respondent.

Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to avail the remedies available under law. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R.SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

November 17, 2015

Note: Issue C.C. in two days.

B/o.MD