

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

* * * *

W.P.No.34745 of 2014

Between:

Kanumula Krishna Murthy Naidu

.. Petitioner

and

The Debts Recovery Appellate Tribunal, Kolkata
and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: July 21,
2015

SUBMITTED FOR APPROVAL:

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

- | | |
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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether their Ladyship/Lordship wish to | Yes/No |

see the fair copy of the Judgment?

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

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WRIT PETITION No.34745 OF 2014

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

This Writ Petition is filed questioning the order, dated 24.09.2014, passed in Appeal No.79 of 2014/606, 193 by the Debts Recovery Appellate Tribunal, Kolkata, by which, the Appellate Tribunal has confirmed the order, dated 11.03.2014, passed in M.A.No.95 of 2013 in O.A.No.233 of 2006 by the Debts Recovery Tribunal, Visakhapatnam.

Respondent No.3 has filed the aforesaid O.A for recovery of loan amount. The said O.A. was disposed of *ex parte* on 07.01.2011. To set aside the *ex parte* order, petitioners filed an application and as there was delay of 927 days in filing such application, they have filed M.A.No.95 of 2013. The Debts Recovery Tribunal, Visakhapatnam, by order, dated 11.03.2014, dismissed the M.A.. Aggrieved by the same, petitioners carried the matter in appeal by filing Appeal No. 79 of 2014/606, 193 before the Debts Recovery Appellate Tribunal, Kolkata. The Appellate Tribunal, by impugned order, dated 24.09.2014, dismissed the appeal.

Earlier, when the matter came up on 23.02.2015, learned Standing Counsel appearing for respondent No.3

– Bank has stated that the Recovery Certificate issued was already enforced and possession of the property in question was also delivered to the third party auction purchaser. Thereafter, when the matter came up on 06.07.2015, as none appeared for the petitioners, it was ordered to be posted under the caption ‘for dismissal’. Even today, when the matter has come up, none appears for the petitioners and there is no representation on their behalf.

Therefore, the Writ Petition is dismissed for non-prosecution. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

July 21, 2015

MD