

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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WRIT PETITION No.23310 OF 2015

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

In this Writ Petition, the petitioner - State Bank of India, SAM Branch, Secunderabad has questioned the order, dated 06-07-2015, in S.A. No.259 of 2013, passed by the Debts Recovery Tribunal, Hyderabad (for short, 'Tribunal').

2. When the petitioner has taken steps under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, respondent No.1 - borrower carried the matter in S.A. No.259 of 2013 before the Tribunal. In the said application, I.A. No.4120, 4121 and 4413 of 2014 are filed by the borrower seeking to implead Chairman of the petitioner and others as party respondents, for amendment of the pleadings and for production of certain documents maintained by the petitioner, respectively; and the same were allowed by the Tribunal through the order impugned. Challenging the same, this writ petition is filed by the petitioner.

3. Heard Sri Ambadipudi Satyanarayana, learned counsel for the petitioner, and Sri T. Prasad Singh, learned counsel for respondent No.1.

4. On a perusal of the order impugned, it appears that the Tribunal allowed the application for impleadment, as if the borrower has taken steps for impleadment of the auction purchaser alone, that

too without recording any reason, but, in fact, the application for impleadment is filed not only to implead the auction purchaser as a party, but also Chairman of the petitioner and others. Even with regard to the applications for amendment of pleadings and production of documents, the same were allowed even without recording a single reason. Thus, all the three interlocutory applications are allowed without recording a single reason.

5. Having heard the learned counsel on either side and for the reasons mentioned above, we are of the view that it is a fit case to remit the matter to the Tribunal for reconsideration of the defence, if any, put forth by the respondents therein in their counter affidavits.

6. In view of the above, the Writ Petition is allowed setting aside the order impugned and remitting the matter to the Tribunal for reconsideration and to pass appropriate orders on merits, as expeditiously as possible. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition stand disposed of.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

September 8, 2015.

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