

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

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WRIT PETITION No.21038 OF 2015

Between:

Smt. C. Shaik Shakeera Begam

.. Petitioner

and

Andhra Bank, Zonal Office, Kurnool,
and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: August 10,
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 |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | No |

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? No

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

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WRIT PETITION No.21038 OF 2015

ORDER: (Per Hon'ble Sri Justice A. Shankar Narayana)

The instant Writ Petition is filed challenging the action of respondent – Bank in dispossessing the petitioner from dwelling house bearing H.No.24-11-1 situated at Kondapet, Dhone, Kurnool District, on the ground that the possession was taken illegally.

2. Petitioner is the wife of Chintaman Shaik Shaif Ahamad, who was the borrower having contracted loan from the respondent – Bank and mortgaged the said property in connection with the said loan transaction. Besides the house property, other property, which is the Factory, existing in a site admeasuring Ac.0-96 cents at Jugadurthy Village, Dhone Mandal, is also mortgaged. When the petitioner's husband committed default in discharging the loan amount, respondents initiated measures under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and took possession of the house property, having obtained an order from the competent Court on 13.02.2015.

3. Learned counsel for the petitioner submitted that valuables are kept in the said house and now the petitioner is prepared to pay 50% of the amount due, and requested to induct the petitioner in the said property by giving possession from the respondents.

4. Originally, counter was filed by the respondents. Thereafter, additional counter has been filed by them stating therein that if the petitioner is prepared to deposit half of the outstanding due, possession of the property can be restored to the petitioner and after sale of the other security, if the total outstanding is not realised or in the event of no bidders coming forward for such security, then the Bank will continue the proceedings against the house property.

5. Since the learned counsel for petitioner has come up with a proposal on the last date of hearing i.e., 06.08.2015 that the petitioner is prepared to pay 50% of the amount due for restoring possession of the house and since there is other property mortgaged in favour of the Bank as secured asset and the Bank can proceed with sale of the other secured asset, we are of the view that the request of the petitioner can be acceded to and so also the request of the respondents to impose the condition as mentioned above.

6. We, therefore, direct that on deposit of 50% of

the outstanding due by the petitioner, respondents shall restore possession of the house property to the petitioner. It is also made clear that after sale of the other security, in case the amount is not adequate to meet the amount due or if no bidders turn up, it is open to the respondents to initiate appropriate measures against the house property given for realisation of the due amount.

7. Accordingly, the instant Writ Petition is disposed of at admission stage. As a sequel thereto, Miscellaneous Applications, if any, pending in this Writ Petition shall stand disposed of. There shall be no order as to costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

August 10, 2015

MD