

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

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WRIT PETITION No.31156 OF 2015

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

This Writ Petition is filed with the prayer, which reads as under:

“... to issue an appropriate writ, order or direction and more particularly, one in the nature of Writ of Mandamus declaring the action of the Respondent No.1 bank in instituting the proceedings vide OA No.359 of 2013 without complying with the Orders dated 29.12.2011 passed by this Hon'ble Court in W.P.No.29072 of 2011 as illegal and arbitrary, and also declare the procedure adopted by the Hon'ble Debts Recovery Tribunal Hyderabad in not considering the Petitioners' applications for setting aside the ex-parte Judgment dated 06.07.2015 and the application seeking stay of all further proceedings pursuant to the Recovery Certificate dated 27.07.2015 as illegal, arbitrary and unconstitutional and consequently direct the Hon'ble Debts Recovery Tribunal Hyderabad to forthwith dispose off the application for setting aside the ex-parte Judgment dated 06.07.2015 and application seeking stay of all further proceedings pursuant to the Recovery Certificate dated 27.07.2015 and pass such other Order or Orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

When the matter is called, it is submitted by the learned counsel for petitioners that as much as the application filed by the petitioners seeking to set aside the *ex parte* order, dated 06.07.2015, is pending consideration before the Debts Recovery Tribunal, Hyderabad, the Writ Petition be disposed of with a direction to the Tribunal to dispose of the said application expeditiously.

In view of the request made by the learned counsel for petitioners, we deem it appropriate to dispose of the Writ Petition with

a direction to the Debts Recovery Tribunal, Hyderabad, to dispose of application filed by the petitioners seeking to set aside the *ex parte* order, dated 06.07.2015, as expeditiously as possible, preferably within a period of two (2) months from today.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

October 06, 2015

Note: Issue C.C. today.

B/o.MD

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND
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