

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4230 of 2016

Dated 02nd September, 2016

Between:

Sri Palisetti Satish Kumar and another

...Petitioners

And

State Bank of India, Stressed Assets Recovery Wing, RACPC SBI
Buildings, I Town, Visakhapatnam, rep.by its Manager

...Respondent

Counsel for the petitioners: Sri R.Siva Sai Swaroop

Counsel for the respondent: ---

The Court made the following:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4230 of 2016

Dated 02nd August, 2016

ORDER:

This civil revision petition arises out of order, dated 26.07.2016, in I.A.Nos.438 and 439 of 2016 in OA.No.775 of 2016, on the file of the learned Debts Recovery Tribunal at Visakhapatnam.

Petitioner No.1 obtained a vehicle loan from the respondent in respect of which petitioner No.2 stood as a guarantor by giving his personal guarantee. As petitioner No.1 has committed default in re-payment of the loan amount, the respondent has filed OA.No.775 of 2016 for recovery of the loan amount under the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993. In the said OA, the respondent has filed the aforementioned two IAs, one for injunction restraining petitioner No.2 from alienating the petition schedule property and another for attachment of the same. By a common order, the DRT has passed an *ad interim* order directing petitioner No.2 not to dispose of or transfer the petition schedule property till the next date of hearing. The applications were posted to 02.09.2016.

Having regard to the fact that the impugned order is interim in nature, it is wholly unnecessary for the petitioners to approach this Court by invoking its supervisory jurisdiction under Article 227 of the Constitution of India. If the petitioners have legally sustainable objections against passing of the impugned order by the DRT, by all means they should have filed a counter affidavit and opposed

further extension of the order. Instead of doing so, the petitioners have needlessly approached this Court.

In this view of the matter, without adjudicating on the legality or otherwise of the impugned order, the civil revision petition is dismissed with liberty to the petitioners to contest the aforementioned two IAs before the DRT.

As a sequel to dismissal of the CRP, CRP.MP.No.5499 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

02nd September, 2016
VGB

