

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.37037 of 2016

Between:

G. Venu Gopal goud

PETITIONER

And

1. The Debts Recovery Tribunal, 5th Floor, Triveni Complex, Abids,
Hyderabad, rep. by its Registrar, and others. \

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.37037 of 2016

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner has come up with the present writ petition challenging the order passed by the Debts Recovery Tribunal allowing the respondents 2 and 3 herein to withdraw the appeal filed by them under Section 17 of the SARFAESI Act, 2002.

2. Heard Mr. N.V. Subba Raju, learned counsel for the petitioner and Mr. B.S. Prasad, learned counsel for the Bank.

3. The petitioner borrowed money from the Bank and committed default in repayment. But before the bank could initiate any action, the petitioner sold the mortgaged property to respondents 2 and 3 herein under sale deed dated 26.07.2012. After two years, when the bank initiated measures under the SARFAESI Act, 2002, the petitioner did two things, viz., (a) to file an appeal in S.A.No.478 of 2014 under Section 17 before the Tribunal against the petitioner; and (b) to file a civil suit in O.S.No.313 of 2014 against respondents 2 and 3 seeking cancellation of the sale deed.

4. When the property was sought to be put to auction, the respondents 2 and 3, on the basis of the sale deed executed by the petitioner, filed an independent appeal in S.A.No.6 of 2016. During the pendency of the said appeal, the respondents 2 and 3 settled the entire dues to the bank, got the property redeemed and withdrew their appeal. The Tribunal permitted the withdrawal and it is against that order that the present writ petition is filed.

5. The above facts, on which there are no controversies, are sufficient to dismiss the writ petition. The respondents 2 and 3 are at liberty to withdraw the appeal filed by them before the Debts Recovery Tribunal. They have after all redeemed a mortgage that the petitioner has created, by paying the amount payable by the petitioner to the bank. The rest of the disputes between the petitioner and respondents 2 and 3 are not matters with which either the Debts Recovery Tribunal or this Court is concerned. Therefore, leaving it open to the petitioner to work out his remedies against the respondents 2 and 3 in the Civil Suit, this writ petition is dismissed. There shall be no order as to costs.

6. As a sequel, pending miscellaneous petitions, if any, shall stand closed.



JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

8th November, 2016
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.37037 of 2016



Date: 08-11-2016

Js.

