

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No. 15227 of 2016

ORDER: (*Per VRS,J*)

Heard the learned counsel for the petitioner.

2. Service of notice on the 4th respondent borrower is completed. Therefore, the writ petition is taken up.

3. The petitioner, who is a Financial Asset Reconstruction Company, was aggrieved by an order of stay granted by the Debts Recovery Tribunal, Hyderabad, as against an order passed by the Recovery Officer directing the sale of the properties of the 4th respondent borrower. In the normal course, the petitioner moved an application for vacating the stay. But, since there is no Presiding Officer and only an Officer In-charge is coming for three days in a month, the petitioner's application for vacating the stay, has not been taken up for disposal. Hence, the petitioner has come up with the present writ petition, challenging the order of stay granted by the Debts Recovery Tribunal, Hyderabad.

4. It appears that a regular incumbent has now been posted and he is likely to take charge in the first week of July, 2016. Therefore, we are of the considered view that instead of adjudicating upon the correctness of the *ex parte* order of the Debts Recovery Tribunal, Hyderabad by ourselves, it would be competent to direct the Debts Recovery Tribunal, Hyderabad, to dispose of the vacate stay application within a timeframe.

5. Accordingly, the Writ Petition is disposed of, directing the Debts Recovery Tribunal, Hyderabad, to hear both parties on the stay application and vacate stay application and dispose them of, within a period of eight (8) weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

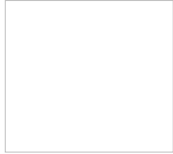
**A. SHANKAR
NARAYANA, J.**

22nd June, 2016

Note: Furnish C.C. in a week.

(b/o)

cbs



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