

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.4288 of 2016

Date:28.9.2016

Between:

Syndicate Bank, Nellore, reple
by its authorized Officer and another.

..... Petitioners

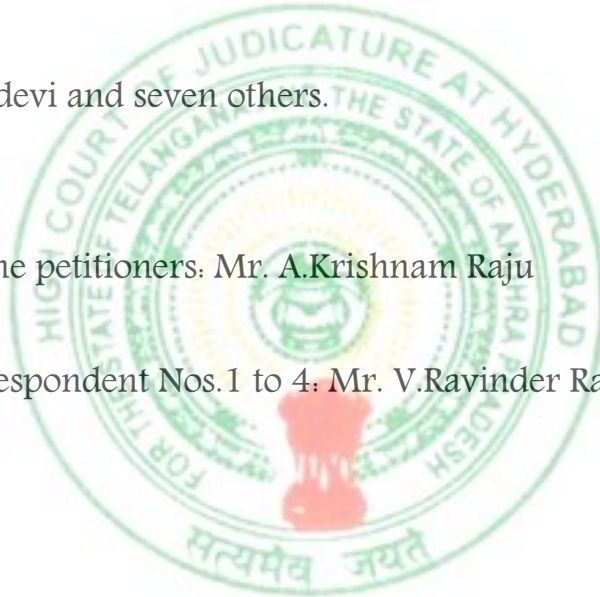
And:

Panditi Ramadevi and seven others.

....Respondents

Counsel for the petitioners: Mr. A.Krishnam Raju

Counsel for respondent Nos.1 to 4: Mr. V.Ravinder Rao



The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a *Certiorari* to quash order, dated 03.11.2015, in S.A.No.193 of 2009 on the file of the Debts Recovery Tribunal, Visakhapatnam.

At the hearing, Mr. A.Krishnam Raju, learned counsel for the petitioners, submitted that in normal course, his clients would have filed an appeal before the appellate tribunal under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and that, as the appellate tribunal was not functioning at that time, due to absence of the Presiding Officer, the petitioners were constrained to invoke the jurisdiction of this Court by filing the present Writ Petition. He has further submitted that during the pendency of this Writ Petition, the Presiding Officer of the appellate Tribunal was appointed and the appellate Tribunal has been functioning.

In the light of the above submissions, we are not inclined to adjudicate the Writ Petition on merits. The Writ Petition is, accordingly, dismissed, without adjudicating the dispute on merits, with liberty to the petitioners to avail the remedy of appeal and also claim interim relief during the pendency of the appeal.

As a sequel to dismissal of the Writ Petition, interim order, dated 10.02.2016, is vacated and WPMP.No.5490 of 2016 and WVMP.No.582 of 2016 are dismissed as dismissed infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

28th September 2016

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