

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.5305 of 2015

ORDER:

This civil revision petition under Article 227 of the Constitution of India by the defendants 2 and 3 in OA.no.11 of 2009 on the file of the Debt Recovery Tribunal, Hyderabad ('the Tribunal', for short) is filed to direct the said Tribunal to dispose of the aforesaid OA as expeditiously as possible.

2. I have heard the submissions of the learned counsel for the revision petitioners/defendants 2 and 3 ('the defendants 2 and 3', for brevity). I have perused the material record.

3. At the hearing, the learned counsel for the defendants 2 and 3 would submit that at the earliest opportunity, the defendants 2 and 3 had stated to the Bank that they are not in a position to discharge the debt otherwise and that the Bank can bring the secured properties to sale and realise the decree debt; and that in view of the said earliest submission made by the defendants 2 and 3 to the Bank, they are no longer liable to pay interest for the default of the Bank in not proceeding in accordance with the procedure established by law; and that the debt would have been realised by now had the Bank acted promptly in the matter; and that the Bank, without following the procedure established by law, is unnecessarily delaying the matter and that inspite of non denial of the claim of the Bank by the defendants 2 and 3 except insofar as the interest part as stated above, the OA is not being disposed of by the Tribunal. He would also bring to the notice of this Court Article 227 of the Constitution of India whereunder this Court is having power of superintendence over all Courts and Tribunals.

4. The grievance of the defendants 2 and 3 is that the Tribunal, inspite of their non denial of the claim of the Bank/applicant, is not disposing of the OA in accordance with the procedure established by law and that for the fault of the Bank and due to the non prompt disposal of the OA by the Tribunal, the principal sum is being mulcted with heavy interest, which they are not liable to pay as they have never denied the claim of the Bank and that, therefore, it is, in the interests of justice, to direct the Tribunal to dispose of the OA as expeditiously as possible to meet the ends of justice.

5. Having regard to the facts and the submissions, this Court is satisfied that the civil revision petition can be allowed by giving appropriate directions.

6. In the result, the Civil Revision Petition is allowed directing the Debt Recovery Tribunal, Hyderabad to dispose of OA.no.11 of 2009 on its file as expeditiously as possible and preferably within a period of two (02) months from the date of the receipt of a copy of this order, however, on merits and in accordance with the procedure established by law. Though this Court had noted the contentions of the defendants 2 and 3 in regard to their non liability to pay the interest and made a passing reference to the same, it is made clear that no adjudication is made on the said stand of the defendants 2 and 3 as the said aspect has to be decided in the OA by the Tribunal. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this CRP shall stand closed.

M. SEETHARAMA MURTI, J

16.03.2016

Vjl