

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION No.41656 of 2016

ORDER: (per SK, J)

This Writ Petition was filed assailing the action of the Central Bank of India in dispossessing the petitioner from his property which was mortgaged with the bank, pursuant to the order in CrI.MP.No.776 of 2016 passed by the learned Chief Metropolitan Magistrate, Cyberabad at L.B.Nagar, Ranga Reddy District.

Taking note of the fact that the case related to a housing loan, this Court granted interim stay of all further proceedings on 30.11.2016.

While so, Sri P.A.V. Bala Prasad, learned standing counsel for the Central Bank of India, would now inform us that the auction of the subject property was held as long back as on 31.08.2016. He would further state that the petitioner filed S.A.No.382 of 2016 before the Debts Recovery Tribunal-I, Hyderabad, in relation to the proceedings initiated by the bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and by order dated 31.08.2016, the Tribunal permitted the bank to go ahead with the sale but directed it not to issue the sale certificate if the

petitioner deposited 25% within two weeks and another 25% within two weeks thereafter. The balance amount was also directed to be deposited within four weeks thereafter. The Tribunal granted liberty to the bank to issue the sale certificate and confirm the sale in the event the petitioner failed to make the payments as aforestated.

Learned standing counsel would assert that the petitioner failed to comply with the condition imposed by the Tribunal. He would further state that, thereafter, S.A.No.382 of 2016 came to be numbered as S.A.No.663 of 2017 on the file of the Debts Recovery Tribunal-II, Hyderabad, and was dismissed vide order dated 29.04.2017.

In the light of these facts, we are of the opinion that the petitioner is not entitled to any further indulgence.

The Writ Petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

14th JUNE, 2017.

SANJAY KUMAR, J

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GUDISEVA SHYAM PRASAD, J