

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT PETITION NO.11403 of 2017

ORDER: (per SK,J)

The Bank of Baroda, Marredpally Branch, Secunderabad, the petitioner herein, assails the order dated 18.11.2016 passed by the Debts Recovery Tribunal, Hyderabad, in S.A.No.353 of 2013. By the said order, the Tribunal dismissed the application filed by the petitioner bank on the ground that it had failed to place on record the original title deeds despite a direction to do so passed as long back as on 22.10.2014.

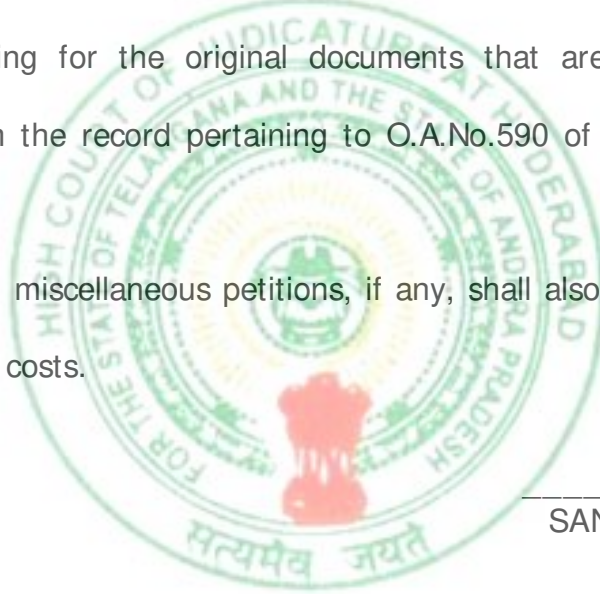
Sri Srinivas Chitturu, learned counsel for the petitioner bank, would inform this Court that the original documents, which were directed to be produced, were already marked in evidence in O.A.No.590 of 2013 on the file of the same Tribunal. Photocopies of the partition deed and two sale deeds bearing the endorsements to this effect are placed on record. Learned counsel would fairly state that owing to the failure on the part of his counter part before the Tribunal to bring this fact to its notice, the Tribunal proceeded on the assumption that the petitioner bank failed to produce such documents.

Notice having been served on M/s.Punjab & Sind Bank, Hyderabad, there is no representation on its behalf. Substituted service of notice was effected upon respondents 3 to 5 by way of publication in Andhra Jyothi Telugu Newspaper and Indian Express English Newspaper having circulation in Hyderabad city but, despite the same, none of these respondents chose to enter appearance before this Court either in person or through learned counsel.

As the only ground on the basis of which the Tribunal dismissed the petitioner bank's securitisation application was that it failed to produce the original documents and as we now find that the said original documents form part of the record in O.A.No.590 of 2013 on the file of the very same Tribunal, the dismissal of S.A.No.353 of 2013 on this solitary ground cannot be countenanced.

The writ petition is accordingly allowed setting aside the order of dismissal dated 18.11.2016 in S.A.No.353 of 2013 on the file of the Debts Recovery Tribunal at Hyderabad. The Tribunal shall consider the said securitisation application afresh on its own merits and in accordance with law after calling for the original documents that are required to be produced from the record pertaining to O.A.No.590 of 2013 on its own file.

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



SANJAY KUMAR,J

J.UMA DEVI,J

Date:07.11.2017

GJ