

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

WRIT PETITION No.35846 of 2013

ORDER: (per SK, J)

This writ petition was filed assailing the order dated 22.01.2013 passed by the Debts Recovery Appellate Tribunal, Chennai, in M.A.No.52 of 2008 confirming the order dated 13.07.2007 passed by the Debts Recovery Tribunal, Visakhapatnam, in I.A.No.360 of 2007 in O.A.No.209 of 2002.

The said I.A. was filed by the petitioners herein under Section 22(2)(a) of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, read with Order XV Rules 1 to 6 CPC for summoning one S. Rama Gopal, Chartered Engineer, representing M/s. Sohan Consultancy, to give oral evidence before the Tribunal with regard to the valuation report given by it (Ex.B.15).

By order dated 13.07.2007, the Tribunal dismissed the said I.A. Aggrieved thereby, the petitioners filed an appeal in M.A.No.52 of 2008 before the Appellate Tribunal. The Appellate Tribunal took note of the fact that the valuation report given by M/s. Sohan Consultancy was already marked as Ex.B.15 and that it would be open to the appellants before it to point out all incorrect information or inconsistencies in the said valuation

report at the time of arguments in the O.A. Holding so, the Appellate Tribunal confirmed the order under appeal making it clear that the appellants before it were at liberty to base their submissions on the valuation report and draw the attention of the Tribunal below to whatever points were necessary to support their case.

Sri J.V. Suryanarayana, learned Senior Counsel representing Sri T. Lakshminarayana, learned counsel for the petitioners, would submit that liberty may be given to the petitioners to examine such witnesses as may be necessary in relation to the valuation report in Ex.B.15 as the Appellate Tribunal already made it clear that it would be open to them to point out all incorrect information or inconsistencies therein. We find merit in this submission.

The writ petition is accordingly closed leaving it open to the petitioners to adduce suitable evidence. This is however subject to the petitioners, being the respondents in the said O.A., still being in a position to adduce evidence therein.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

27th JUNE, 2017.

GUDISEVA SHYAM PRASAD, J

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