

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.9970 OF 2017

ORDER: (*Per Hon'ble The Acting Chief Justice Ramesh Ranganathan*)

Aggrieved by the docket order passed by the Debts Recovery Tribunal, Hyderabad (for short, 'DRT'), in I.A. No.377 of 2017 in S.A. No.59 of 2017 dated 30.01.2017, the present Writ Petition is filed.

The 1st petitioner herein was the applicant in S.A. No.59 of 2017 wherein she filed I.A. No.377 of 2017 seeking stay of all further proceedings pursuant to the Advocate Commissioner's notice dated 27.01.2017, issued in Crl.M.P. No.31 of 2017, to take physical possession of the petition schedule property. The 1st petitioner contended before the DRT that she could not get the expected amounts from the chit fund company, and in view of the death of her family members, she could not pay the loan back on time. The DRT granted *interim* stay of all further proceedings, pursuant to the Advocate Commissioner's notice dated 27.01.2017, on condition that the 1st petitioner-applicant deposited 30% of the total outstanding dues in two equal instalments, the first instalment of 15% to be deposited within two weeks from the date of the order, and the second instalment of 15% within two weeks thereafter, directly to the respondent-bank. The DRT made it clear that, in the event of failure to comply with any of the conditions, the respondent-bank shall be at liberty to proceed further in accordance with law.

Sri T. Poorna Chander Rao, learned counsel for the petitioners, would submit that the 1st petitioner is expecting a housing loan by June,

2017 and, thereafter, she would be able to pay the loan in its entirety. He would submit that the 1st petitioner would arrange Rs.2,00,000/- within four weeks from today.

The jurisdiction which this Court exercises under Article 226/ 227 of the Constitution of India is supervisory and not appellate. Save perversity in the order of the DRT, no interference is called for from this Court. Taking a sympathetic view of the entire matter, the DRT has directed the 1st petitioner only to pay 30% of the amount due, that too in two equal fortnight by instalments. The 1st petitioner has, admittedly, not paid even a single rupee pursuant to the order of the DRT. We see no reason, therefore, to entertain this writ petition. Suffice it to state that this order shall not preclude the 1st petitioner from approaching the respondent-bank, and requesting them to grant time to repay the amounts due.

The writ petition however fails and is accordingly dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 30-03-2017.
DSH/SIVA

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER



WRIT PETITION No.9970 OF 2017
(Order of the Division Bench delivered by
Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Date.30-03-2017

DSH/SIVA