

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

WRIT PETITION NO.10518 OF 2017

ORDER

*(Per Hon'ble Sri Justice Sanjay Kumar)*

By the lengthy reasoned order dated 10.04.2017 passed in WPMP No.13033 of 2017, this Court granted interim suspension of the order dated 06.02.2017 passed by the Debts Recovery Tribunal, Hyderabad, in I.A.No.\_\_\_\_\_ in S.A.No.57 of 2017 (old S.A.No.435 of 2016). W.V.M.P.No.4645 of 2017 was filed by the second respondent to vacate the said order.

Perusal of the order passed by this Court on 10.04.2017 demonstrates that the basis for the interim suspension was the submission of the learned counsel for the petitioner bank that the matter in question was not even listed before the Tribunal on 06.02.2017.

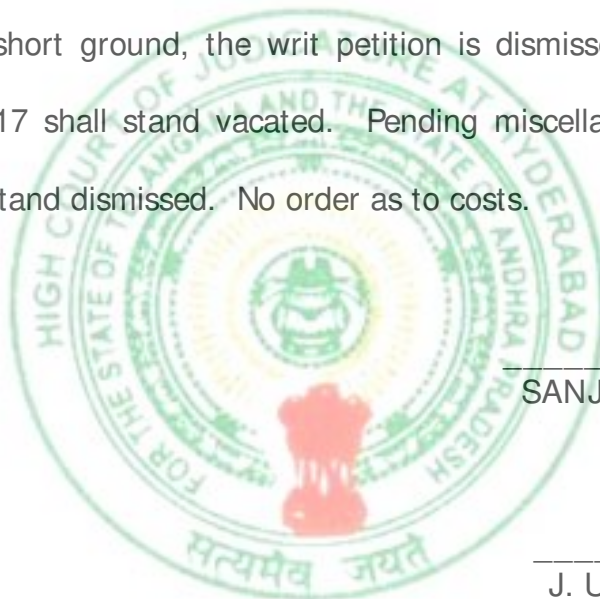
Sri Raavinuthala V.S.R., learned counsel for the second respondent, filed the cause list dated 06.02.2017 of the Debts Recovery Tribunal-II, Hyderabad, which clearly demonstrates that S.A.No.57 of 2017 (old S.A.No.435 of 2016) was listed before the Tribunal on the said day at item No.92.

As the interim order was secured from this Court on the strength of a misrepresentation to the effect that the matter was not listed on 06.02.2017 before the Tribunal, we are of the opinion that the said order cannot be continued in favour of the petitioner bank.

Further, it is well settled that a petitioner who approaches this Court under Article 226 of the Constitution is expected to do so with clean hands.

(See *K.D.SHARMA V/s. STEEL AUTHORITY OF INDIA LIMITED*<sup>1</sup>). We find that the petitioner bank in the present case deliberately resorted to subterfuge and misrepresentation so as to secure interim suspension of the order, perhaps being unaware of the fact that a reasoned order would be passed recording the representation made on that day which persuaded the Court to pass the interim order. However, as the truth has now come to light, we find that the petitioner bank completely lacked *bonafides* in putting forth the claim that the matter was not even listed before the Tribunal on 06.02.2017. The petitioner is therefore not entitled to any relief in this writ petition.

On this short ground, the writ petition is dismissed. Interim order dated 10.04.2017 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

J. UMA DEVI, J

20<sup>th</sup> NOVEMBER, 2017

Sv

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<sup>1</sup> (2008) 12 SCC 481