

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

WRIT PETITION NO.9924 OF 2016

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed assailing the sale notice dated 11.03.2016 issued by the State Bank of Hyderabad under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002.

By order dated 06.04.2016, this Court directed the bank not to carry out the proposed sale subject to the petitioner depositing a sum of not less than Rs.2,00,000/- on or before 30.04.2016 and a further sum of Rs.2,00,000/- on or before 31.05.2016. The petitioner failed to comply with this conditional order and it is stated by the bank that when a sale notice was published thereafter, the petitioner filed S.A.No.326 of 2016 before the Debts Recovery Tribunal, Hyderabad, on 01.08.2016 and secured an interim order.

This being the admitted fact situation, we are of the opinion that the cause in this writ petition no longer survives for adjudication on merits as the petitioner has already invoked the statutory remedy available to him.

The writ petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

12th JUNE, 2017

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