

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.16963 of 2017

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is therefore prayed that the Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Certiorari to call for the records relating to the proceedings of Debts Recovery Tribunal - II at Hyderabad order dt.28.04.2017 passed in I.A.No.1200/2017 in S.A.I.R.No.103/2017 and quash the same as arbitrary, illegal, capricious and violative of principles of natural Justice and against the provisions of the Security Interest (Enforcement) Rules 2002 under SARFAESI Act R/w Sections 133 and 141 of the Indian Contract Act and consequently grant stay of all further proceedings initiated by the Respondent No.2 under SARFAESI Act pursuant to the orders passed in CrI.M.P.No.205/2017 on the file of CMM Cyberabad for taking physical possession of the S.A. schedule property, till the disposal of S.A.I.R.No.103/2017 on the file of Debts Recovery Tribunal – II, Hyderabad and pass such other order or orders as this Honble Court may deem fit in the circumstances of the case and in the interest of justice.'

Smt.V.Dyumani, learned counsel representing Sri V.Sethu Madhava Rao, learned counsel for the petitioner, would state that the petitioner was a guarantor for the loan availed by respondent No.3 from the Indian Overseas Bank, the second respondent. She would state that during the pendency of this writ petition, the petitioner got his property released and therefore, the cause in this writ petition does not survive in so far as he is concerned. She would further state that S.A.I.R.No.103 of 2017 filed by the petitioner before the Debts Recovery Tribunal-II, Hyderabad, is still pending and liberty may be given to the petitioner to pursue further remedies available to him in law therein.

Recording the submission of the learned counsel as aforestated, the writ petition is closed leaving it open to the petitioner to pursue his remedies in the pending proceedings before the Debts Recovery Tribunal-II, Hyderabad, in accordance with law.

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

SANJAY KUMAR,J

Date:20.02.2018

GJ

P.KESHAVA RAO,J

