

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No. 12674 of 2018

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

M/s. Coastal Andhra Agri Feed Technologies, the petitioner herein, is represented by its Proprietor K.V. Ramanaiah Naidu, who appears as a party-in-person. Heard Sri G. Gopala Krishna, learned counsel, representing Sri A. Krishnam Raju, learned counsel for the Syndicate Bank, and Sri E.V.V.S. Ravi Kumar, learned counsel appearing for the fourth respondent, the auction purchaser.

Respondents 5 and 6 herein, who were impleaded pursuant to the order dated 16.04.2018 passed by this Court in I.A.No.2 of 2018 filed in this writ petition, did not choose to enter appearance despite service of notice.

The grievance of the petitioner/party-in-person is that the Debts Recovery Tribunal, Visakhapatnam, failed to undertake joint hearing/trial in the three cases pending before it relating to the same issue despite his filing an I.A. under Section 19(25) of the Recovery of Debts and Bankruptcy Act, 1993 (hitherto, known as the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for brevity, 'the RDDB Act')). The petitioner/party-in-person would inform this Court that the Tribunal refused to even entertain the said I.A. The prayer of the petitioner in the said I.A. was that the Tribunal should club the S.A. filed by him being S.A.No.108 of 2010, wherein the subject I.A. was filed, along with O.A.No.67 of 2013

filed by the Bank and S.A.No.304 of 2015 filed by the guarantors, respondents 5 and 6 herein, and to conduct a joint hearing/trial. Section 19(25) of the RDDB Act clothes the Tribunal with vide power to make such orders and give such directions so as to secure the ends of justice.

Sri G. Gopala Krishna, learned counsel, and Sri E.V.V.S. Ravi Kumar, learned counsel, appearing for the contesting respondents do not dispute the fact that O.A.No.67 of 2013 filed by the Bank and S.A.No.304 of 2015 filed by the guarantors, respondents 5 and 6 herein, are also pending consideration before the Debts Recovery Tribunal, Visakhapatnam, before which S.A.No.108 of 2010 filed by the petitioner/party-in-person is pending consideration.

Given the fact that these three cases relate to the very same loan account and the measures being taken in relation thereto, this Court is of the opinion that it would be in the interest of all the parties concerned for the Tribunal to club these three cases for joint hearing/trial so that comprehensive adjudication may thereafter be undertaken on all the issues arising therein. The Tribunal, for some reason, however, seems to have refused to entertain the I.A. filed by the petitioner/party-in-person in this regard in S.A.No.108 of 2010.

The Writ Petition is accordingly disposed of directing the Debts Recovery Tribunal, Visakhapatnam, to entertain the subject I.A. filed by the petitioner/party-in-person in S.A.No.108 of 2010 and to consider the same on its own merits and in accordance with law

with regard to clubbing of S.A.Nos. 108 of 2010 and 304 of 2015 with O.A.No.67 of 2013 pending on its file for joint hearing/trial and disposal. The petitioner is given liberty to represent the subject I.A. within one week from the date of receipt of a copy of this order and the Tribunal shall thereupon take appropriate action in accordance with due procedure.

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

JUSTICE SANJAY KUMAR

Date: 19.06.2018

JUSTICE T. AMARNATH GOUD

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