

**HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MS. JUSTICE J.UMA DEVI**

WRIT PETITION No.13551 of 2018

ORDER: (per Hon'ble Sri Justice V.Ramasubramanian)

1. Aggrieved by the dismissal of an application for adducing evidence, the petitioners, who have gone before the Debts Recovery Tribunal, Visakhapatnam, have come up with the above writ petition.

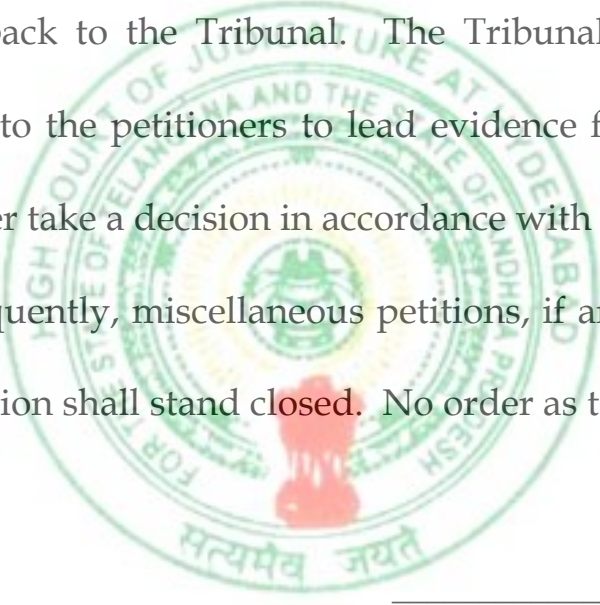
2. Heard Mr.C.Raghu, learned Counsel for the petitioners, and Mr.B.S.Prasad, learned Standing Counsel appearing for respondents 1 and 2.

3. The petitioners have filed S.A.No.299 of 2016 on the file of the Debts Recovery Tribunal, Visakhapatnam challenging the measures taken by the respondent bank under Section 13 (4) of the SARFAESI Act. During the pendency of the proceedings, some of the properties have been sold. Contending that the proceeds of the sale that had taken place with the cooperation of the petitioners and the bank were not credited to the account of the petitioners, the petitioners took out an application in I.A.No.166 of 2018 for adducing evidence. The said application has been rejected by the DRT forcing the petitioners to come up with the above writ petition.

4. All that the petitioners want is only to lead evidence. The Tribunal has failed to take evidence. Though there is some confusion as to what the petitioners wanted to do, it is made clear by the learned Counsel for the petitioners that they only want to lead evidence from their side and they are not making a request for summoning the officials of the bank.

5. In the light of the above, the Writ Petition is allowed, setting aside the impugned order of the Tribunal and remitting the matter back to the Tribunal. The Tribunal may give an opportunity to the petitioners to lead evidence from their side and thereafter take a decision in accordance with law.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.



V.RAMASUBRAMANIAN, J

J.UMA DEVI, J

24.04.2018
Gsn.