

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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

WRIT PETITION No.14890 OF 2018

Between:

Mallareddy Srinivasa S/o.M.Krishna Murty,
R/o.Banjara Hills, Hyderabad.

...Petitioner

Vs.

IDBI Bank Limited, Regional Office,
Rep.by its GM & Regional Head,
Retail Banking Group, Sripuram,
Visakhapatnam and another

.. Respondents

For Petitioner : Mr.Sai Gangadhar Chamarthi

For Respondents : None

Gist :

Head Note :

Cases Referred : Nil



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ORDER: (per V. Ramasubramanian, J)

Aggrieved by the action of the respondents Bank in filing an application for recovery of money under Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, the petitioner has come up with the above writ petition.

2. Heard Mr.Sai Gangadhar Chamarthi, learned counsel for the petitioner.

3. What the petitioner seeks in this writ petition is to quash an application filed under Section 19 of the RDDB Act. It is almost like an application under Order VII Rule 11.

4. The basis of the claim of the petitioner is that under a one time settlement scheme, they have discharged the liability. It is a question of fact which the petitioner should raise before the Tribunal and request the Tribunal to dismiss the application. This question of fact cannot be gone into and the entertainment of every application by the Tribunal cannot become the subject matter of challenge in a writ petition.

5. Therefore, leaving it open to the petitioner to raise all the objections before the Tribunal, this writ petition is dismissed.

6. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

April 25, 2018
KTL