

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

WRIT PETITION No.20642 of 2018

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 prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Certiorari, by setting aside the Order dt.15.05.2018 in S.A.No.198 of 2018 on the file of Debts Recovery Tribunal, Visakhapatnam, as illegal, arbitrary, unfair, unjust and against the principles of natural justice and passed the order without following due process of law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

By the docket order dated 15.05.2018 passed in IA.No.883 of 2018 in SA.No.198 of 2018, the Debts Recovery Tribunal-I, Hyderabad, deemed it appropriate to grant interim stay of confirmation of the auction sale scheduled to be held on 16.05.2018 subject to the condition that the petitioner/applicant deposits 20% of the amount claimed by the Andhra Bank, the secured creditor, within a timeframe.

Though the said order is sought to be challenged, Smt. G. Padmavathi, learned counsel for the petitioner/applicant, is unable to demonstrate before us as to what is wrong with the order under challenge. Learned counsel would state that the petitioner/applicant has nothing to do with the subject loan account but is not in a position to bear out this contention with any material. Perusal of the auction notice issued by the Andhra Bank reflects that the name of the petitioner finds mention as a 'borrower and guarantor'. We may also point out that the translation

of the said auction notice is not a true translation thereof as the original of the said notice in Telugu is filed. The further case of the petitioner/applicant seems to be that her husband who was sanctioned a loan of Rs.5,00,000/- was cheated by the Manager of the bank who actually disbursed only a sum of Rs.1,00,000/- to him and pocketed the remaining Rs.3,00,000/-. However, learned counsel fairly concedes that no complaint was lodged with the police in this regard.

In the aforesaid circumstances, as the learned counsel for the petitioner is unable to demonstrate any irregularity on the part of the Tribunal in granting a conditional stay and as the merits of the contentions urged by the petitioner would have to be examined by the Tribunal in the pending Securitization Application, we see no grounds to entertain this writ petition.

The writ petition is accordingly dismissed leaving all issues open to be addressed by the Tribunal in the pending Securitization Application.

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

20th JUNE, 2018.

SANJAY KUMAR, J

T. AMARNATH GOUD, J

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