

***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.42316 OF 2018

% Date:23.11.2018

Between:

Sri Ranbir Singh Bagga S/o.Kuldeep Singh Bagga,
R.o.Santokh towers, King Koti, Hyderabad.

... Petitioner

v.

\$ Smt. Shahnaz Fatima W/o.MOhd.Asif,
R/o.Road No.12, Banjara Hills, Hyderabad and others.

.. Respondents

! For Petitioner : Mr. N. Venkatswara Rao

^ For Respondents : None

< Gist :

> Head Note :

? Cases Referred : Nil

C/15

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

WRIT PETITION No.42316 OF 2018

ORDER: *(Per V. Ramasubramanian, J)*

Aggrieved by the dismissal of an application taken out by the petitioner for impleading himself as a party respondent in an appeal pending before the Debts Recovery Tribunal – II, Hyderabad, a third party has come up with the above writ petition.

2. Heard Mr. N. Venkateswara Rao, learned counsel for the petitioner.

3. As against the measures taken by the Bank, under Section 13 (4) of the Securitisation Act, 2002, the borrower has filed an appeal in SA No.256 of 2015 under Section 17 of the Securitisation Act. This appeal was renumbered as SA No.228 of 2017.

4. In the appeal, the fight is as between the borrower and the Bank. The case of the petitioner is that he is the actual owner of the property having purchased the same from third parties who have nothing to do with the loan either as the borrower or as the guarantor. Therefore, contending that his property cannot be the subject matter of proceedings under the Securitisation Act, 2002, the petitioner moved an application in I.A. No.2703 of 2015 in the pending appeal seeking to implead himself as a party to the main appeal. This application was dismissed by the Debts Recovery Tribunal by order dated 27.07.2018, forcing the petitioner to come with the above writ petition.

5. Fundamentally, even if the petitioner is impleaded as a party to the appeal filed by the borrower, he can neither pray for allowing of the appeal nor pray for dismissal of the appeal. His independent rights to the property cannot also be established in an appeal filed by the borrower. Let us assume that the petitioner is impleaded as a party respondent in the appeal. In case, the borrower withdraws the appeal or settles the matter with the Bank, the petitioner will stand nowhere.

6. Now that the meaning of the expression “any person” appearing in Section 17 of the Securitisation Act has been given expanded meaning by the Supreme Court, it is always open to the petitioner to work out his remedies in an independent application filed before the Tribunal and not merely seek to implead in the pending appeal filed by the borrower. Therefore, with the above liberty, the writ petition is dismissed.

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

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

November 23, 2018
KTL