

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

*** HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND**

*** HONOURABLE SRI JUSTICE P. KESHA RAO**

+Writ Petition No.46181 of 2018

Between:

Jujjavarapu Venkata Kanaka Durgamba,
W/o J. Syama Sundara Rao, aged about 78 years,
R/o 44-1-42, Karl Marx Road, Gundala Center,
Vijayawada, Krishna District

... Petitioner

And

Bank of India, Assets Recovery Branch,
PTI Buildings, II Floor, A.C. Guards,
Near Masab Tank, Hyderabad, represented
By its Authorised Officer

... Respondents

! Counsel for the Petitioner : Mr. Sai Gangadhar Chamarty

^ Counsel for Respondents : Mrs. V. Dyumani, standing counsel

HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA RAO

Writ Petition No.46181 of 2018

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

Questioning an order passed by the Chief Metropolitan Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (Securitisation Act, 2002), the guarantor has come up with the above writ petition.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the petitioner. Smt. V. Dyumani, learned standing counsel takes notice for the respondent-bank.

3. Questioning the very same order, the petitioner has already filed an appeal in S.A.No.394 of 2018 on the file of the Debts Recovery Tribunal, Visakhapatnam. Apart from questioning the order of Chief Metropolitan Magistrate, the petitioner has also questioned the initiation of measures under Section 13 (4) of the Securitisation Act, 2002.

4. The Tribunal also granted an interim stay of further proceedings, on 28-10-2018 in I.A.No.1879 of 2018, subject to certain conditions. The petitioner has obviously not complied with the conditions.

5. However, the petitioner filed W.P.No.41921 of 2018 on the file of this Court challenging the condition imposed by the Tribunal in

its order dated 26-10-2018. This Court passed an interim order on 20-11-2018 directing the petitioner to deposit Rs.50,00,000/- on or before 10-12-2018. But, the petitioner could not comply with the said order.

6. However, the petitioner realized in the meantime that the property was already sold and the sale was also confirmed way back in August, 2018. Therefore, the learned counsel for the petitioner states that he is taking steps to amend the prayer in the appeal.

7. Be that as it may, the very order impugned in this writ petition is the subject matter of an appeal. Irrespective of whether it is now maintainable in the form in which it is made, the petitioner cannot ride two horses. Having failed to comply with the two conditional orders, one passed by the Tribunal and another passed by this Court, the petitioner cannot seek any indulgence.

Hence, the writ petition is dismissed, leaving it open to the petitioner to agitate all the issues before the Tribunal.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

P. KESHA RAO, J

Date: 20-12-2018

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