

* 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

+ W.P.No.47380 of 2018

% Date: 31-12-2018

Between:

M/s. Lakshmi Narayana Traders,
Rep. by its Proprietor G. Mallikarjuna Raju,
S/o. Narayana Raju,
D.No.7-91 and 7-91A, Kattakindha Palyam,
Punganur Town, Chittoor District, A.P.

.... Petitioner

And

1. The Authorized Officer, M/s. State Bank of India, A.D.B. Punganur,
Chittoor District, A.P.
2. M/s. State Bank of India, Punganur Branch, East Peta, Rep. by its
Branch Manager, Badichowdi Branch, Punganur, Chittoor District,
A.P.

... Respondents

! Counsel for the Petitioner : Mr. Gade Venkateswara Rao

^ Counsel for Respondents : Mr. M. Srikanth Reddy

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> HEAD NOTE:

? Cases referred

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HONOURABLE SRI JUSTICE P. KESHA RAO

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ORDER: (Per VRS,J)

Contending that the account of the petitioner has not become non performing asset and that therefore, the possession notice and the notice under Rule 8(6) are illegal, the borrower has come up with the above writ petition.

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

3. According to the petitioner, He has been regularly paying the monthly interest on the cash credit and that merely because the amount paid by him in respect of one month was little lesser than the monthly installment, the respondent has initiated proceedings even before the account has become non-performing asset.

4. But the contention of the petitioner hinges on completely factual details. These factual details are better adjudicated before the Debts Recovery Tribunal. Therefore, leaving it open to the petitioner to approach the Debts Recovery Tribunal, the writ petition is closed. There will be no order as to costs.

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

V. RAMASUBRAMANIAN, J.

P. KESHA RAO, J.

31st December, 2018
Js.

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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