

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No. 1205 of 2019

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

1) Challenging a notice issued under Rule 8 (6) of the Security Interest (Enforcement) Rules, 2002, a person who claims not to have guaranteed the particular loan in question and a person who claims not to have created a mortgage, has come up with the above writ petition.

2) Heard Mr.Rama Krishna, learned counsel for the petitioner.

3) According to the petitioner, his signatures in the letter of guarantee were taken in respect of a loan proposed to be granted in the year 2014, but the same never materialized. On the basis of the signatures so obtained for the proposed loan in the year 2014, the bank is proceeding against his properties for the loan sanctioned to the second respondent-borrower in the year 2013.

4) In other words the dispute raised by the petitioner, are substantially on facts. Such disputes are better raised before the Debts Recovery Tribunal, as this Court cannot adjudicate upon disputed questions of facts.

5) Though the learned counsel for the petitioner contended that whatever is pleaded by the petitioner in his affidavit are admitted facts, we do not think that the word "admission" can be given such

a liberal interpretation. The word admission, in respect of a fact to qualify as admitted fact should be of a different nature. Therefore, giving liberty to the petitioner to approach the Tribunal this Writ Petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending in the Writ Petition stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

P. KESHAHA RAO, J

January 24, 2019
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HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No. 41388 of 2018

Date: 22.01.2019

Mgr/gkv