

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

WRIT PETITION Nos.4319, 4325, 4330 AND 4340 OF 2019

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

The petitioners came up with the above writ petitions challenging a condition imposed by the Debts Recovery Tribunal for the grant of stay of dispossession.

2. Heard Mr. A. Jagan, learned counsel for the petitioners and Mr. M. Srikanth Reddy, learned Standing Counsel for the respondent-Bank.

3. The condition imposed by the Tribunal by its order dated 20.02.2019 was as follows:

“Having regard to the facts and circumstances of the case and in the interest of justice interim relief can be granted on certain conditions. **Accordingly, there shall be an interim stay of all further proceedings including taking physical possession of the schedule properties through Advocate Commissioner in pursuance of the orders passed by Chief Judicial Commissioner in pursuance of the orders passed by Chief Judicial magistrate, Adilabad as per orders in CrI.M.P. No.39/19 dt.07.02.2019, subject to the Petitioner/Applicant depositing 30% of the outstanding dues as claimed in Demand notice in two equal instalments; first installment of 15% is directed to be deposited within one week from the date of this order and the second instalment of 15% within two weeks thereafter, directly with the Respondent Bank.** In the event of failure of compliance of any of the aforesaid conditions by the Petitioner/Applicant, the interim stay shall stand vacated and the Respondent bank shall be at liberty to proceed further in accordance with law.”

4. Considering the plea made by the learned counsel for the petitioners, we passed interim orders on 01.03.2019 in these writ petitions, which read as follows:

“Mr. Srikanth Reddy, learned Standing Counsel takes notice for the bank.

There will be an interim stay on condition that the first part of the conditional order passed by the Debts Recovery Tribunal on 20.02.2019 shall be complied with by the petitioner, on or before 15.03.2019. If the petitioner

complies with this conditional order, the question of granting extension of time for payment of the second instalment will be considered.

Post on 18.03.2019 for reporting compliance.”

5. Today, it is contended by Mr. A. Jagan, learned counsel for the petitioners that the petitioners have paid a sum of Rs.18.00 lakhs and that the petitioners would deposit the balance amount within a time fixed by the Court.

6. However, Mr. M. Srikanth Reddy, learned counsel for the Bank, has today produced a copy of the mail received from the Bank which states that four cheques, each for Rs.8,50,000/- were issued on 15.03.2019 and 16.03.2019 and one cheque for Rs.2,00,000/- was issued on 15.03.2019 and that all these cheques returned unpaid with the endorsement “payment stopped by drawer.”

7. In the light of the above, the petitioners do not deserve any sympathy. Hence, the Writ Petitions are dismissed.

8. The miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

V. RAMASUBRAMANIAN, J

P. KESHA VA RAO, J

March 20, 2019

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