

**HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN**

**AND**

**HONOURABLE SRI JUSTICE P. KESHA RAO**

**WRIT PETITION No.5340 OF 2019**

**ORDER:** *(Per Hon'ble Sri Justice V. Ramasubramanian)*

Challenging a condition imposed by the Debts Recovery Tribunal (DRT) for stay of dispossession, the petitioner has come up with the above writ petition.

2. Heard Mr. D. Raghavulu, learned counsel for the petitioner and Mr. M. Srikanth Reddy, learned standing counsel for the bank.

3. This is a case of Housing Loan. The petitioner is a retired employee of the State Bank of Hyderabad. He filed S.A. No.87 of 2019 challenging the measures taken by the bank under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. When the bank attempted to take possession, he moved an application for stay before the DRT. The DRT granted stay on condition that the petitioner deposits 25% of the dues, in two installments. Aggrieved by the said order, the petitioner came up with the above writ petition.

4. By an interim order, dated 14.03.2019, we granted stay subject to the condition that the petitioner complies with the first part of the condition imposed by the DRT on or before 31.03.2019. It appears that the petitioner has now complied with the conditional order though belatedly. The delay in compliance is condoned.

5. Therefore, what remains is the compliance with the second installment. In such circumstances, the Writ Petition is disposed of granting time to the petitioner to make payment of the second installment of 15% as ordered by the DRT, on or before 06.05.2019, failing which the stay will stand automatically vacated. If the petitioner complies with the conditional order, the petitioner will have the benefit of stay till the disposal of the appeal before the DRT.

However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

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**V. RAMASUBRAMANIAN, J**

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**P. KESHA RAO, J**

**April 08, 2019**  
Mgr