

HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No. 6197 of 2019

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

1) Claiming that an *ex parte* judgment rendered by the Debts Recovery Tribunal in an application under Section 19 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (for short "1993 Act") should not be executed, the borrowers have come up with the above Writ Petition.

2) Heard Mr.Mohd.Gulam Rasool, learned counsel for the petitioners.

3) The respondent bank filed O.A.No.464 of 2018 on the file of the Debts Recovery Tribunal-I, Hyderabad, for recovery of money. Unfortunately, the petitioners herein who were the defendants were set *ex parte* and a judgment delivered on 08.11.2018.

4) It appears that the petitioners have filed an application in IA.AR No.4631 of 2018 under Section 22 (2) (g) of the 1993 Act for setting aside the *ex parte* judgment. That application is still pending. But in the meantime apprehending execution, the petitioners are before this Court.

5) It is not known from the material papers as to whether a certificate of recovery has been issued by the Recovery Officer of the Tribunal, pursuant to the *ex parte* judgment rendered on

08.11.2018. The question of executing the decree will arise only after the certificate of recovery is issued by the Recovery Officer. Therefore, it is premature for the petitioners to come up with the apprehension that the *ex parte* judgment will be enforced. All that the petitioners can today seek is the disposal of their application for setting aside the *ex parte* judgment.

6) Therefore, the Writ Petition is disposed of, directing the Tribunal to take up IA.AR No.4631 of 2018 and dispose of the same in accordance with law, within a period of two months from the date of receipt of a copy of the order.

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

V. RAMASUBRAMANIAN, J

P. KESHAVA RAO, J

March 26, 2019
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