

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.6110 OF 2019

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

Aggrieved by a condition order passed by the Debts Recovery Tribunal (DRT) for the grant of stay of an auction sale and also challenging the rejection of an application for extension of time to comply with the conditional order, the borrower has come up with the above Writ Petition.

2. Heard Mrs. V. Dyumani, learned counsel for the petitioner, and Mr. R.V. Nagabushanam Rao, learned counsel, takes notice for the respondent.

3. By the interim order passed on 06.03.2019, the Tribunal granted stay of further proceedings including the issue of sale certificate pursuant to an auction held on 01.03.2019, subject to the condition that the petitioner deposits 10% of the outstanding within two (02) weeks. Before the expiry of time so fixed in the order, dated 06.03.2019, the petitioner filed an application for extension of time. The said application in I.A. No.837 of 2019 was dismissed by the Tribunal by an order, dated 19.03.2019. Therefore, challenging the conditional order as well as the order of rejection of the prayer for extension of time, the petitioner is before us.

4. Today, the petitioner cannot challenge the original conditional order, as the petitioner approached the Tribunal for

extension of time by eight (08) weeks to comply with the original conditional order. In case, the Tribunal had allowed the application for extension of time, the petitioner could not have challenged the original order. Merely because the application for enlargement of time was dismissed, the original conditional order does not become vulnerable to attack.

5. But, insofar as the prayer for enlargement of time is concerned, the same deserves some consideration in view of the disputes raised by the petitioner with regard to the quantum of the amount.

6. Therefore, the Writ Petition is disposed of rejecting the prayer for setting aside the conditional order passed by the Tribunal, but granting eight (08) weeks time for the petitioner to comply with the conditional order passed on 06.03.2019. 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.

V. RAMASUBRAMANIAN, J

P. KESHA VA RAO, J

March 26, 2019

Note:

Furnish C.C. of order by 27.03.2019
(B/O.) Mgr