HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.7988 OF 2019

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

Aggrieved by a demand made by the Recovery Officer of the Debts Recovery Tribunal (DRT), the 3rd defendant before the Tribunal has come up with the above writ petition.

2. Heard Mr. D.V. Ramana Sarma, learned counsel for the petitioner.

3. The 3rd respondent herein filed an application in O.A. No.3962 of 2017 on the file of the DRT-II, Hyderabad under Section 19 of the Recovery of Debts and Bankruptcy Act, 1993, for recovery of a sum of about Rs.22,29,705.05ps., together with future interest. The petitioner herein was arrayed as a defendant No.3 in the Original Application. The 2nd defendant was none other than the blood brother of the petitioner herein. The 1st defendant was the wife of the 2nd defendant.

4. It appears that despite the close relationship, the petitioner herein engaged a counsel and independently contested the original application before the Tribunal. After contest, the Tribunal passed a judgment on 16.01.2019 holding that defendant Nos.1 to 3 including the petitioner herein are jointly and severally liable to pay to the bank the amount indicated therein.

5. The petitioner has not gone on appeal as against the judgment of the Tribunal. Therefore, the judgment fastening the petitioner with the joint and several liability has attained a finality.

6. As a consequence, a recovery certificate was issued and the Recovery Officer has issued the impugned demand notice. Therefore, we do not know how a demand issued pursuant to a recovery notice issued by the Recovery Officer can be challenged after the judgment of the Tribunal has attained finality.

7. The main grievance of the petitioner is that his vehicle which was hypothecated was already seized by the Bank. If so, it is always open to the petitioner to allow the bank to sell the vehicle and proceed against for the balance amount. Alternatively, the petitioner can discharge the entire liability and take back his vehicle. Except these two options, the petitioner has no other option.

8. Hence, the Writ Petition is dismissed. However, 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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T. AMARNATH GOUD, J

April 16, 2019
Mgr