

THE HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
THE HONOURABLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.10416 OF 2019

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioners assail the order dated 06.05.2019 passed by the Debts Recovery Tribunal-II, Hyderabad, in S.A.No.1191 of 2017.

2. By order dated 22.05.2019, this Court, having taken note of the fact that the Debts Recovery Appellate Tribunal at Kolkata was not functioning and as the petitioners had an arguable point, granted interim stay of all further proceedings pursuant to the impugned order dated 06.05.2019 in S.A.No.1191 of 2017.

3. It is however admitted before us by Sri L.Ravichander, learned senior counsel representing Sri Mayur Mundra, learned counsel for the petitioners, that the petitioners thereafter approached the Appellate Tribunal and filed Appeal No.150 of 2019.

4. In the light of this development, we are of the opinion that it would be appropriate for the petitioners to pursue the appellate remedy which they have already invoked. However, as this Court has granted them interim protection on the ground that the Appellate Tribunal was not fully functional at Kolkata, we are of the opinion that the stay order should continue pending disposal of the interlocutory application filed by the petitioners in the appeal for interim protection. Needless to state, such an application would have to be given consideration on priority basis so as to protect the interests of both parties.

5. The writ petition is accordingly disposed of permitting the petitioners to pursue Appeal No.150 of 2019 before the Appellate Tribunal. The petitioners shall first address arguments in the pending interlocutory

application filed in the said appeal for interim relief. The Appellate Tribunal shall take up the same on priority basis and dispose it of expeditiously and preferably, within eight weeks from the date of receipt of a copy of this order. Pending such disposal, the interim order granted on 22.05.2019 shall continue to operate.

6. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

P.KESHAVA RAO, J

24th JULY, 2019

Sv

