

HONOURABLE SRI JUSTICE SANJAY KUMAR

AND

HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.13370 OF 2019

ORDER: (Per Honourable Sri Justice Sanjay Kumar)

The petitioners are defendants 6 and 7 in O.A. No.150 of 2016 on the file of the Debts Recovery Tribunal - I, Hyderabad. They were set *ex parte* by docket order dated 30.03.2017. Thereafter, the Tribunal disposed of the main O.A. itself on merits on 02.08.2018. Long thereafter, the petitioners filed I.A. No.1190 of 2019 in the said O.A. to condone the delay of 699 days in filing an application to set aside the order dated 30.03.2017 setting them *ex parte*. Significantly, the petitioners took no steps in relation to the final order dated 02.08.2018 passed in the main O.A. though specific reference was made thereto in the body of the affidavit filed in support of the application. By docket order dated 18.06.2019, the Tribunal dismissed I.A. No.1190 of 2019. Aggrieved thereby, the petitioners are before this Court.

2. We are unable to understand as to how the petitioners could have sought setting aside of the docket order dated 30.03.2017 whereby they were set *ex parte* in the O.A. long after the disposal of the O.A. itself without taking any steps in relation to the final order passed in the O.A. Even if they were set *ex parte*, once the final order was passed in the O.A., they had an independent right either to file an

appeal against the said order or seek review thereof. Without taking recourse to either seeking review of the O.A. order or testing it in appeal, the petitioners took recourse to the peculiar step of seeking the setting aside of the docket order whereby they were set *ex parte* long after the disposal of the O.A. The Tribunal was therefore fully justified in dismissing the application, even if it did so on merits and not on this ground. We find no error having been committed by the Tribunal warranting interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution. The Writ Petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

K. LAKSHMAN, J

September 25, 2019.
PV