

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.13002 OF 2018

ORDER: (per SK,J)

This writ petition was filed assailing the order dated 28.03.2018 passed by the Debts Recovery Tribunal-1, Hyderabad, in I.A.No.2909 of 2017 in O.A.No.719 of 2014. The subject I.A. was filed by the petitioners herein, respondents 5 and 6 in the said O.A, for permission to cross-examine the secured creditor's witness-A.W.1 in O.A.No.719 of 2014. By the order under challenge, the Tribunal opined that there was no reason necessitating or requiring the cross-examination of the said witness and dismissed the I.A.

While ordering notice before admission in this case on 16.04.2018, interim stay of all further proceedings in the O.A. was granted. This order was extended thereafter from time to time.

Having perused the record and having heard the arguments of Sri G.K.Deshpande, learned counsel for the petitioners, and Sri A.Rajashekar Reddy, learned counsel for the first respondent-secured creditor, we are of the opinion that the interest of justice would be sufficiently served by permitting cross-examination of the secured creditor's witness-A.W.1 subject to conditions.

The writ petition is accordingly disposed of setting aside the order dated 28.03.2018 passed in I.A.No.2909 of 2017 in O.A.No.719 of 2014 and directing the Tribunal to permit the cross-examination of the secured creditor's witness-A.W.1 by the petitioners herein. Such cross-examination shall be completed within three weeks from the date of the O.A. being taken up by the Tribunal. No extension of time shall be sought by the

petitioners to continue the said cross-examination beyond this time stipulation. The Tribunal shall thereafter proceed to adjudicate upon the O.A. on its own merits and in accordance with law.

Interim order dated 16.04.2018 shall stand vacated. 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

Date:04.07.2019

GJ

