

THE HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NO.15976 OF 2019

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the order dated 12.07.2019 passed by the Debts Recovery Tribunal-II, Hyderabad, in I.A.No.1718 of 2019 in S.A.No.1295 of 2017 (old S.A.No.56 of 2015). The said I.A. was filed by the petitioners herein, the applicants in the securitisation application, for appointment of an Advocate Commissioner to visit the application schedule building and to note the physical features of the disputed Flat No.503 therein. By the order dated 12.07.2019, the Tribunal dismissed the I.A.

2. Heard Sri Ambadipudi Satyanarayana, learned counsel for the petitioners, and Sri P.V.Markandeyulu, learned counsel for M/s. India SME ARC Limited, Mumbai, the first respondent.

3. Though Sri Ambadipudi Satyanarayana, learned counsel, would contend that it is essential that the physical features of the subject flat are ascertained by way of a commission, we are not persuaded to agree. When the first respondent is asserting rights under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in relation to the subject flat on the strength of records, there is no necessity whatsoever to ascertain the physical features of the said flat. We therefore find no grounds to interfere with the order under challenge.

4. The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

K. LAKSHMAN, J

28th AUGUST, 2019

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