

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

W.P.No.16173 OF 2019

ORDER:

(Per Sanjay Kumar, J)

1 Challenge in this Writ Petition is to the order dated 22.07.2019 passed by the Debts Recovery Tribunal-II, Hyderabad, in I.A.No.2979 of 2019 in S.A.No.73 of 2019. The said I.A was filed by the petitioners herein seeking extension of time to make payment of the 2<sup>nd</sup> installment, as ordered by the Tribunal on 25.02.2019 in I.A.No.850 of 2019 in S.A.No.73 of 2019.

2 By order dated 22.7.2019, the Tribunal dismissed the I.A holding that the question of extending time would not arise as the High Court had already intervened in the matter.

3 Heard Sri T.Nagender, learned counsel for the petitioners, and Smt.V.Dyumani, learned counsel for the respondent Bank.

4 We find from the record that after the Tribunal passed order dated 25.02.2019 requiring the petitioners to pay 30% of the amount due – 15% within one week and 15% within two weeks thereafter, the petitioners approached this Court by way of Writ Petition No.4088 of 2019. The said Writ Petition was disposed of on 22.3.2019, taking note of the fact that the first installment of 15% had already been paid and granting time up to 15.4.2019 to the petitioners to pay the 2<sup>nd</sup> installment of 15%. However, having secured this order, the petitioners failed to pay the said amount within the time stipulated and surprisingly chose to approach the Tribunal by way of I.A.No.2979 of 2019 in S.A.No.73 of 2019 seeking extension of time to make the payment. By the order under challenge, the Tribunal noted that it was the High Court which had extended time up to 15.4.2019 and opined that it was not for it to extend the time thereafter.

5 We find no error having been committed by the Tribunal in holding to this effect. In any event, we are informed by Smt. Dyumani, learned counsel for the respondent Bank, that the auction sale held on 26.02.2019 pursuant to the sale notice dated 07.01.2019 failed to materialize, be it for whatever reason. That being so, no further adjudication is called for in this case.

6 The Writ Petition is accordingly closed leaving all issues open.

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

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SANJAY KUMAR, J.

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P. KESHA RAO, J.

Date: 5<sup>th</sup> August, 2019.  
**Kvsn**

