

HONOURABLE SRI JUSTICE M. S. RAMACHANDRA RAO

AND

HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.18176 OF 2019

ORDER: *(Per Hon'ble Sri Justice M.S. Ramachandra Rao)*

This Writ Petition is filed challenging the order, dt.25.07.2019, passed in M.A. No.76 of 2019 in S.A. No.8 of 2019 by the Debts Recovery Tribunal-I, Hyderabad, refusing to set aside the order dt.19.06.2019 passed in S.A. No.8 of 2019.

2. It is not in dispute that S.A. No.8 of 2019 was dismissed on 19.06.2019 when the counsel for the petitioner could not attend before the Tribunal. On the very next day i.e. on 20.06.2019, an application to set aside the said order was filed and it was numbered as M.A. No.76 of 2019. Vide order dt.25.07.2019, the DRT-I, Hyderabad, dismissed the said application stating that proper reasons were not given.

3. We are of the opinion that the view taken by the DRT-I cannot be sustained because it was specifically mentioned in the said application that the Junior Counsel could not attend the call work on 19.06.2019, and when the application for restoration was filed on the very next day, the Tribunal should have allowed the M.A. No.76 of

2019 by setting aside the order dt.19.06.2019 in SA No.8 of 2019 and then heard the matter on merits and decide it.

4. Therefore, the Writ Petition is allowed and the order dt.25.07.2019 passed in M.A. No.76 of 2019 in SA No.8 of 2019 is set aside and the said M.A. No.76 of 2019 is allowed. S.A. No.8 of 2019 is restored to the file of DRT-I, Hyderabad, and the Tribunal shall hear the matter on merits and decide it in accordance with law within a period of two (2) months. The confirmation letter issued by the 1st respondent to the auction purchaser dt.19.06.2019 shall stand set aside. However, it is open to the 1st respondent to take further action in the matter after S.A. No.8 of 2019 is decided.

No order as to costs. The miscellaneous petitions, if any pending, shall stand closed.

M.S. RAMACHANDRA RAO, J

K. LAKSHMAN, J

December 19, 2019
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