

THE HONOURABLE SRI JUSTICE SANJAY KUMAR
AND
THE HONOURABLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.47085 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner assails the order dated 10.12.2018 passed by the Debts Recovery Tribunal-II, Hyderabad, in I.A.No.5912 of 2018 in S.A.No.494 of 2018. By way of the said order, the Tribunal granted stay of all further proceedings, including taking over of physical possession, pursuant to the possession notice dated 26.11.2018 issued by the Canara Bank, the secured creditor, subject to deposit of 30% of the total outstanding dues indicated in the possession notice dated 26.11.2018 in two equal instalments within a time frame. Having paid the first instalment due in terms of the said order, the petitioner approached this Court by way of the present writ petition seeking enlargement of time to comply with the requirement of paying the second instalment.

By interim order dated 27.12.2018 passed in this writ petition, time was extended by a period of six weeks from the date of receipt of a copy of the said order for deposit of the second instalment by the petitioner.

Sri Hamsa Durga Ponnamm, learned counsel for the petitioner, would fairly concede that despite extension of time by this Court, the petitioner was unable to pay the second instalment.

As the only ground on which the petitioner sought to assail the order passed by the Tribunal was with regard to the extent of time granted and as it failed to take advantage of the extension of time granted by this Court *vide* order dated 27.12.2018, the cause in this writ petition has worked itself out.

The writ petition is accordingly dismissed. Interim order dated 27.12.2018 shall stand vacated. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

P.KESHAHA RAO, J

10th JULY, 2019

Sw

