

THE HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.47996 OF 2018

Date: 14.03.2019

Between:

Adepu Laxman Rao S/o.Sri A. Ramanandam,
R/o.Padmashali Colony, Kavadiguda, Secunderabad.

... Petitioner

v.

M/s.UCO Bank, Asset Management Branch,
Navabharath Chambers, Rajbhavan Road,
Hyderabad, Rep. by its Authorized Officer and others.

... Respondents

For Petitioner : M/s.P.S. Rajasekhar

For Respondents : G. Anand Kumar
Standing Counsel for UCO Bank

Gist :

Head Note :

Cases Referred : Nil

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.47996 OF 2018

ORDER: *(Per V. Ramasubramanian, J)*

Aggrieved by the dismissal of an application filed under section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Securitisation Act'), both on the ground of non-representation and also on the ground that it has become infructuous, the borrower has come up with the above writ petition.

2. Heard Mr. P.S. Rajasekhar, learned counsel for the petitioner and Mr. G. Anand Kumar, learned Standing Counsel for the UCO Bank.

3. On 23.10.2018, the Tribunal passed the order impugned in the writ petition dismissing the application under Section 17 of the Securitisation Act on two grounds, namely, (a) that there was no representation on the side of the writ petitioner and (b) that the respondents filed a memo enclosing a copy of the letter dated 05.10.2018 purportedly signed by the writ petitioner as though he had vacated the property, making the appeal infructuous.

4. Learned counsel for the petitioner contends that the letter dated 05.10.2018 was not even furnished to the counsel for the petitioner and that the petitioner is disputing the contents thereof as well as the signature contained therein.

5. If it is a case of mere dismissal of an application for non-prosecution, we would certainly not hesitate to set aside the order and give an opportunity to the petitioner to go back and contest the case. But, this is a case where the respondents have relied upon a letter, the contents whereof, if they are correct, would certainly make the application infructuous. Therefore, a challenge to such a letter, both to its contents and to the authorship should be first raised only before the Tribunal, without which, it would be not possible for us to adjudicate.

6. Therefore, giving liberty to the petitioner go to back to the Tribunal for recalling the impugned order, this writ petition is dismissed.

7. The miscellaneous petitions, if any, pending shall stand closed. No costs.

V. RAMASUBRAMANIAN, J

P. KESHA VA RAO, J

March 14, 2019

CTL

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE P. KESHA VA RAO



WRIT PETITION No.47996 OF 2018

March 14, 2019

KTL

