

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.22996 of 2022

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
01.	10.01.2023	<u>HCJ & SNJ</u> <u>I.A.No.2 of 2022</u> Heard Ms. G.Rama Manoja, learned counsel for the applicant. Applicant was the petitioner in W.P.No.22996 of 2022 which was disposed of <i>vide</i> the order dated 29.04.2022 in the following manner: “2. Petitioner is the widow of the borrower, who had availed housing loan from the 1st respondent. The loan was insured by respondent No.3. Petitioner’s husband died on 07.05.2021. Because of difficult circumstances, there was default in repayment of loan. Petitioner moved respondent No.3 for payment of the loan amount since it was covered by the insurance policy. However, the claim was repudiated on 31.10.2021 compelling the petitioner to approach District Consumer Redressal Forum, Hyderabad in C.C.No.736 of 2021. Notwithstanding the same, 1st respondent issued possession notice dated 03.03.2022 under Section	Transferred to i/o folder, before corrections, if any.

SL. NO	DATE	ORDER	OFFICE NOTE
		13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (briefly referred to hereinafter as the 'SARFAESI Act'). 3. From the said notice, we find that outstanding dues of the petitioner has been quantified at Rs.90,55,327.00. 4. Assailing the possession notice, petitioner has filed securitisation application under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal-II, Hyderabad (Tribunal), which has been numbered as S.A(I.R).No.473 of 2022. 5. With the grievance that there is no Presiding Officer in the Tribunal rendering the same non-functional, present writ petition has been filed. 6. Having regard to the orders passed by this Court in identical matters and considering the fact that petitioner has already availed her statutory remedy under Section 17 of the SARFAESI Act, we are of the view that it would be in the interest of justice if the petitioner pursues her remedy as provided under the law.	

SL. NO	DATE	ORDER	OFFICE NOTE
		Further, if the petitioner deposits 15% of the outstanding dues within a period of 30 days from today, respondent No.1 shall not proceed further pursuant to the possession notice dated 03.03.2022, which in any event would be subject to outcome of S.A(I.R).No.473 of 2022. 7. However, we make it clear that if there is any default on the part of the petitioner in making the payment as above, it would be open to respondent No.1 to proceed for realisation of the outstanding dues in accordance with law. 8. This disposes of the Writ Petition. However, there shall be no order as to costs.” This interlocutory application was filed on 26.05.2022 for extension of time to complete payments by four (04) weeks. It is stated that within the period specified by this Court, 10% of the outstanding dues being Rs.9,55,000.00 was deposited on 23.05.2022. Prayer was made for extension of time by four (04) weeks to deposit the remaining Rs.4,02,972.00 to complete deposit of 15% of the outstanding dues.	

SL. NO	DATE	ORDER	OFFICE NOTE
		In the hearing today, learned counsel for the applicant submits that the balance amount of R.4,02,972.00 was paid on 11.06.2022. Accepting the prayer of the applicant, we make it clear that time granted by this Court for deposit of 15% stood extended till 30.06.2022. I.A. is disposed of. HCJ SNJ KL	