

**HON'BLE SRI JUSTICE P.NAVEEN RAO**  
**AND**  
**HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

**WRIT PETITION NO.15890 OF 2018**

**Date:19.01.2023**

Between:

Smt M. Savithri, W/o.late Sri M. Suryanarayana Murthy,  
Aged about 75 yrs, Occu : Household,  
H.No.69-C, Road No.15, Film Nagar,  
Hyderabad & another

.....Petitioners

And

State Bank of India,  
Stressed Assets Management Branch,  
Secunderabad, 5<sup>th</sup> Floor, Rear Block,  
KMWSSB Compound, Khairatabad,  
Hyderabad & others

.....Respondents

The Court made the following:

**HON'BLE SRI JUSTICE P.NAVEEN RAO**  
**AND**  
**HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

**WRIT PETITION NO.15890 OF 2018**

**ORDER** : *(Per Hon'ble Sri Justice P.Naveen Rao)*

Heard Sri Amancharla V. Gopal Rao, learned counsel for the petitioners and Sri Podila Hari Prasad, learned counsel appearing for the 1<sup>st</sup> respondent.

2. This writ petition is filed challenging the order dated 17.04.2018 of Debts Recovery Tribunal-II at Hyderabad made in S.A.No.301 of 2017. The challenge is on various grounds. Against any decision of the Debts Recovery Tribunal under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'), Section 18 of the SARFAESI Act provides remedy in the form of appeal before the Debt Recovery Appellate Tribunal. Without availing the said remedy, this writ petition is filed.

3. We are of the opinion that the remedy provided by Section 18 of the SARFAESI Act is an effective and efficacious remedy. Further, the appellate Tribunal can go into the merits of the contentions urged to re-appreciate the evidence on record and come to its conclusion, whereas in a writ petition filed under Article 226 of the Constitution of India the

scope of judicial review is limited. Therefore, the remedy provided by Section 18 of the SARFAESI Act is an effective and efficacious remedy.

4. Therefore, the Writ Petition is dismissed granting liberty to the petitioners to avail the remedy provided by Section 18 of the SARFAESI Act. At this stage, learned counsel for the petitioners pray to condone the delay in filing the appeal since writ petition was filed and is pending consideration before this Court till date.

5. Having regard to the above submission, we request the Appellate Tribunal to consider excluding the period spent before this Court from the date of filing of writ petition i.e., 27.04.2018 to till date and for a further period of six (6) weeks from today, towards computation of period of limitation.

Pending miscellaneous petitions, if any, shall stand closed.

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**P.NAVEEN RAO,J**

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**NAGESH BHEEMAPAKA, J**

19<sup>th</sup> January, 2023  
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