

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

[3393]

FRIDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

IA.No.1 OF 2024

IN

WRIT PETITION NO: 908 OF 2019

Between:

Alluri Mahesh Raju, S/o Venkatapathi Raju, Hindu, aged about 64 years, Occ
. Business, Plot No.60, Siddardha Nagar, S.R. Nagar, Hyderabad - 500038.

...PETITIONER

AND

1. Indian Bank, Narayanaguda Branch, Hyderabad. Rep by its Asst., General Manager at Circle Office, Hyderabad.
2. M/s Pratyankara Electronics Pvt. Ltd., Rep by its official liquidator, O/o. Gapanvihar Building, 2nd Floor, Wing, Nampally, Koti, Hyderabad, Telangana-95.
3. Katikaneni Venkata Narsing Rao, S/o. Sri K. Uma Pathi Rao, Aged 45 years, R/o. 6-3-680/1, Flat No.203, Divya Residency, Somajiguda, Hyderabad - 500 062.
4. Katikaneni Venkata Matchender Rao, S/o. K.Uma Pathi Rao, R/o. 6-3-680/1, Flat No.203, Divya Residency, Somajiguda, Hyderabad - 500 062.
5. P. Krishna Reddy, S/o. Late Bikshapathi Reddy, aged 67 years, R/o. H.No.5-12-222/1, Mangapuram, APHB Colony, Moulali, Hyderabad.
6. Krishna, S/o. Narsaiah, aged 40 years, R/o, H.No.4-40. Near Ramalayam, Gajwel, Medak District.
7. ING Vysya Bank Ltd., Banjara Hills Branch, Hyderabad, Rep. by its Branch Head.
8. Axis Bank, Begumpet Road, Hyderabad, Rep. by its Branch Head.
9. Development Credit Bank Ltd., S.D. Road, Secunderabad, Rep. by its Branch Head.

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extent the time granted on 26.04.2024 in WP No.908 of 2019, to allow the petitioner to file his appeal in the Hon'ble DRAT-Kolkata.

This petition coming on for hearing, upon perusing the petition and affidavit filed in support thereof and W.P.No.908 of 2019 upon hearing the arguments of Sri Chetluru Sreenivas, counsel for the Petitioner, and of M/s. V.Dyumani, SC for INDIAN BANK on behalf of Respondent No.1 and of Sri T.Kiran Kumar for the Respondents No.9, None Appeared for the Respondent Nos.2 to 8 Court made the following: **ORDER**

Mr. Chetluru Sreenivas, learned counsel for the applicant/petitioner.

Heard on I.A.No.1 of 2024 an application seeking extension of the time granted by this Court to file the appeal.

The writ petition preferred by the petitioner was disposed of by this Court by an order dated 26.04.2024 in the following terms:

“3. Learned counsel for the petitioner fairly submits that against the aforesaid order, an appeal lies under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before the Debts Recovery Appellate Tribunal. She submits that the petitioner shall take recourse to the remedy of appeal within a period of eight weeks from today.

4. In view of the aforesaid submission, it is directed that for a period of eight weeks, the interim order granted earlier by a Bench of this Court, if any, in this writ petition shall continue and in case the petitioner files an appeal within the aforesaid period of eight weeks from today, the Debts Recovery Appellate Tribunal shall extend the benefit of Section 14 of the Limitation Act, 1963, to the petitioner.

5. With the aforesaid liberty, the writ petition is disposed of.”

From a perusal of the aforesaid order, it is evident that the aforesaid order provides that in case the petitioner files an appeal within a period of eight weeks, the petitioner shall be entitled to the benefit of Section 14 of the Limitation Act, 1963. The said order is a conditional order.

The aforesaid order does not take away the right of the petitioner to file an appeal against the order impugned in the writ petition, as the same is a statutory right and shall not be treated as an impediment in the right of the petitioner to avail of the statutory remedy which is available to him. Needless to state that the petitioner is at liberty to file an appeal before the Debts Recovery Appellate Tribunal along with an application for condonation of delay.

With the aforesaid liberty, this interlocutory application is disposed of.

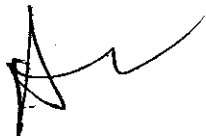
SD/- T.VIJAY KUMAR
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To

1. Asst., General Manager at Circle Office, Indian Bank, Narayanaguda Branch, Hyderabad.
2. One CC to SRI CHETLURU SREENIVAS, Advocate [OPUC]
3. One CC to M/s V.DYUMANI, SC FOR INDIAN BANK [OPUC]
4. One CC to SRI T.KIRAN KUMAR, Advocate [OPUC]
5. Two CD Copies

PSK.
BS



HIGH COURT

DATED:08/11/2024

ORDER

IA.No.1 OF 2024

IN

WP.No.908 of 2019



**DISPOSING OF THE IA
WITHOUT COSTS.**

7
Prasad
08/11/2024