

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

TUESDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

WRIT PETITION NO: 20206 OF 2024

Between:

M/s.Sundaram Home Finance Ltd, (Formerly known as Sundaram BNP Paribas Home Ltd). Rep by its Authorised officer Mr. GiriRaj Chary S/o. Late A. Bhima Chary R/o. Oxford plaza 1st floor, S.D. Road, Secunderabad - 500003.

...PETITIONER

AND

Mrs. Prabavathi Kotari, W/o. Late Srinivas Kotari, Aged about. 57 years, Occ . Housewife, R/o D.No. 6-26-A, Sai Mithra Residency, 2nd floor, 4th lane Uma Shankar nagar Kanuru, Vijayawada - 520007. Also at. D.No. 54-9-20, plot No. 34, Block No. 10, 100 feet road, Auto nagar Vijayawada - 520007.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue the direction or directions, more particularly in the nature of writ of Mandamus declaring the action of the Learned Debt Recovery Tribunal - II, at Hyderabad in entertaining the S.A.No. 214 of 2022 filed by the Respondent which otherwise has no territorial jurisdiction to try the case as illegal, arbitrary and against Sec.17(1A) of SARFAESI Act and consequently, reject the S.A.No. 214 of 2022 on the file of Learned Debt Recovery Tribunal L II, at Hyderabad, in the interest of justice

IA NO: 1 OF 2024

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 reject the S.A.No. 214 of 2022 on the file of Learned Debt Recovery Tribunal - II, at Hyderabad, pending disposal of the above writ petition

Counsel for the Petitioner: SRI SHARAD SANGHI FOR SRI. AKSHAT SANGHI

Counsel for the Respondent: None appeared

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

Writ Petition No.20206 of 2024

ORDER: (Per the Hon'ble the Chief Justice Alok Aradhe)

Mr. Sharad Sanghi, learned counsel represents Mr. Akshat Sanghi, learned counsel for the petitioner.

2. Heard on the question of admission.

3. In this writ petition, the petitioner, who is a secured creditor, has challenged the action of the Debts Recovery Tribunal-II at Hyderabad (for short 'the DRT') in entertaining S.A.No.214 of 2022 filed by the respondent under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'), *inter alia* on the ground that the DRT at Hyderabad has no territorial jurisdiction to entertain S.A.No.214 of 2022 as the respondent is a resident of

Vijayawada and the mortgaged property is situated in Vijayawada.

4. When a query was put to learned counsel for the petitioner whether the petitioner has raised any objection before the DRT, learned counsel for the petitioner submitted that he be granted liberty to raise such an objection before the DRT.

5. In view of aforesaid submission, the Writ Petition is disposed of with liberty to the petitioner to raise an objection with regard to the territorial jurisdiction of the DRT to deal with S.A.No.214 of 2022 filed by the respondent.

6. Needless to state that before proceeding further, the DRT shall decide the issue relating to territorial jurisdiction.

7. It is made clear that this Court has not expressed any opinion on the merits of the ~~case~~. No costs.

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As a sequel, miscellaneous petitions, pending if any, stand closed.

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SDI-MOHD. ISMAIL
ASSISTANT REGISTRAR
SECTION OFFICER

To,

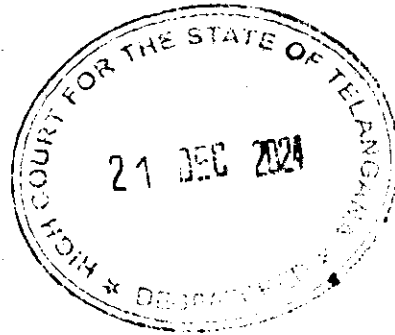
1. One CC to SRI. AKSHAT SANGHI Advocate [OPUC]
2. Two CD Copies

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HIGH COURT

DATED:30/07/2024



ORDER

WP.No.20206 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

4 Copies
[Signature]
10/12/24