HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY ,THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 438 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 09/04/2025 Passed in WP.No. 10600 of 2025. on the file of the High Court.

Between:

1. Maddali Sri Sai Venkata Satyanarayana, S/o. Late Babu Raja Venkata Krishna Rao Aged.65 years, Occ.Agriculture, R/o.H.No.6-88, Punadipadu, Kanchipadu Mandal, Krishna District, Andhra Pradesh.
2. Smt Maddali Vanaja Rani, W/o. Maddali Sri Sai Venkata Satyanarayana Aged.60 years, Occ.Housewife, R/o.H.No.6-88, Punadipadu, Kanchipadu Mandal, Krishna District, Andhra Pradesh.

...APPELLANTS

AND

1. The State Bank of India, Stressed Assets Management Branch, Kachiguda, Hyderabad, rep. by its Chief General Manager.
2. Mallela Himabindu, W/o.Sulapani C/o.Rajyalakshmi Hospital, Sushma Sai Nagar Colony, Vanasthalipuram Road, Near Sushma Theatre, Beside SRO Building, Drawakamayee Nagar Colony, Vanasthalipuram, Hyderabad - 500 070.

...RESPONDENTS

IA NO: 1 OF 2025

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 direct the respondents not to dispossess the petitioners from the Plot No.21 and 20(P), admeasuring 335 sq.yds situated in Sy.No.50, Saheb Nagar Khurd, Hayathnagar Mandal, Vanasthalipuram, R.R.District, pending disposal of the Writ Appeal

Counsel for the Appellants: SRI VEDULA SRINIVAS REPRESENTING FOR SRI. VEDULA CHITRALEKHA

Counsel for the Respondents: None appeared

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.438 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Heard Sri Vedula Srinivas, learned Senior Counsel representing Ms. Vedula Chitralekha, learned counsel for the appellants.

2. During the course of hearing, learned Senior counsel for the appellants fairly submitted that against the order dated 05.03.2025 passed by the Debts Recovery Tribunal-II at Hyderabad, the appellants' appeal is admittedly pending before the Debts Recovery Appellate Tribunal, Kolkata (for short, ' the appellate Tribunal'). However, the appellate Tribunal needs to hear the appellants on the question of waiver of deposit. Till such time the said question is decided and the appellants' interim prayer is considered by the appellate Tribunal, the appellants may be protected. He further submits that the appellants will forthwith file applications for stay and preponement of the appeal before the appellate Tribunal and till such time the said applications are decided, the appellants may be protected.

3. In our opinion, learned Single Judge declined interference in W.P.No.10600 of 2025 on the basis of a recent judgment of Supreme Court in **Phr Invent Educational Society v. Uco Bank**[1]. If the impugned order dated 09.04.2025 passed by the learned Single Judge is tested on the envil of principles laid down in **Phr Invent Educational Society** (supra), we are inclined to observe that the learned Single Judge has taken a plausible view. Thus, no interference is warranted. The appellants' appeal is admittedly pending consideration before the appellate Tribunal. The appellants will be at liberty to file stay application and application for preponement of the appeal before the appellate Tribunal. So far, question of grant of interim relief for interregnum period is concerned, the curtains are finally drawn on this aspect by the Supreme Court in **Kalabharati Advertising v. Hemant Vimalnath Narichania**[2] wherein, in paragraph No.22, the Supreme Court has opined as under:-

> **"22.** It is a settled legal proposition that the forum of the writ court cannot be used for the purpose of giving interim relief as the only and the final relief to any litigant. If the court comes to the conclusion that the matter requires adjudication by some other appropriate forum and relegates the said party to that forum, it should not grant any interim relief in favour of such a litigant for

[1] {(2024) 4 S.C.R. 541
[2] (2010) 9 SCC 437

> an interregnum period till the said party approaches the alternative forum and obtains interim relief. (Vide *State of Orissa* v. *Madan Gopal Rungta* [1951 SCC 1024 : AIR 1952 SC 12] , *Amarsarjit Singh* v. *State of Punjab* [AIR 1962 SC 1305] , *State of Orissa* v. *Ram Chandra Dev* [AIR 1964 SC 685] , *State of Bihar* v. *Rambalak Singh "Balak"* [AIR 1966 SC 1441 : 1966 Cri LJ 1076] and *Premier Automobiles Ltd.* v. *Kamlekar Shantaram Wadke* [(1976) 1 SCC 496 : 1976 SCC (L&S) 70 : AIR 1975 SC 2238].)"

In this view of the matter, no interim relief is due to the appellants.

4. Accordingly, the Writ Appeal is **disposed of** by reserving liberty to the appellants to file appropriate applications for stay and preponement of the appeal before the appellate Tribunal. We have no doubt that if such applications are filed, the appellate Tribunal will consider the same in accordance with law. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-M.MANJULA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief General Manager, State Bank of India, Stressed Assets Management Branch, Kachiguda, Hyderabad.
2. One CC to SRI. VEDULA CHITRALEKHA Advocate [OPUC]
3. Two CD Copies

KKS
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HIGH COURT

DATED:21/04/2025



ORDER

WA.No.438 of 2025

DISPOSING THE WRIT PETITION WITHOUT COSTS

(5)

kyr

28/4/25