



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3418]

THURSDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA
KRISHNA RAO**

WRIT PETITION NO: 28852/2025

Between:

1. BALAJI AGENCIES, , REP BY ITS PROPRIETOR, (SRINIVASA RAO SIVARAM) D.NO. 11-55-27, MARWADI TEMPLE, ONE TOWN VIJAYAWADA 9948277713, SRINIVASARS@GMAIL.COM
2. SRINIVASA RAO SIVARAM,, RESIDENT OF DOOR NO. 11-16-8, FIRST FLOOR, SINGARAJU VARI STREET, KOTHAPETA, ONE TOWN, VIJAYAWADA 9866291602, SM@GMAIL.COM
3. HEMALATHA KUMARI,, W/O. SRINIVASA RAO SIVARAM, RESIDENT OF DOOR NO. 11- 16-8, FIRST FLOOR, SINGARAJU VARI STREET, KOTHAPETA, ONE TOWN, VIJAYAWADA 984827719, HKUMARI@.QMAIL.COM .

...PETITIONER(S)

AND

1. BAJAJ FINANCE LIMITED, having corporate office at 4th Floor, Bajaj Finserv Corporate Office, Off Amhed Nagar Road, Viman Nagar, Pune Maharashtra - 411014 and among others having one of such office et D.No. 32-9-12, 2nd Floor Bajaj Finseve Off-Madhu Mahalaxmi chambers. Mogalrajpuram Vijayawada-520010 being represented by its Legal Manager-Authorized Officer, P. Ram Teja, Slo. Venkata Ramana Contact No. 8698010101, Mail id. baiaifinancelimited@amail.co

...RESPONDENT

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 topleased to issue an appropriate Writ order or direction more particularly in the nature of Writ of Mandamus from refraining the Respondent/F.I.and their interested parties from taking any action or causing any further harassment, torture and mental agony with to their threats until the disposal of the IA No.3873/2025 in S.A.No.601/2025 in the Honourable DRT, Visakhapatnam as well as the Honourable court and pass

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 pleased to stay of all further proceedings of the respondent/F.I., the Honourable Court and pass

IA NO: 2 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 may be pleased to extend the aforesaid status quo order issue by the Honourable High court in I.A. No. 1/2025 in WP No. 28852 / 2025 for a period as considered deemed fit, in the interest of justice

IA NO: 3 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 May be pleased to vacate the Interim Order granted by this Hon'ble Court in I.A. No. 1 of 2025 in W.P. No. 28852 of 2025 dated 16.10.2025, in the interests of justice, and to pass

Counsel for the Petitioner(S):

1.TATA SINGAIAH GOUD

Counsel for the Respondent:

1.DASAM DURGA SHIVA SAI

The Court made the following:

ORDER:- *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

Heard learned counsel for the petitioners and learned counsel for the respondent.

2. Challenging the measures initiated by the Respondent-Finance Company under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') for realization of the loan amount, the petitioners, who are the principal borrowers have already approached the Debts Recovery Tribunal, Visakhapatnam, which is appropriate forum for redressal of their grievance under Section 17 of the SARFAESI Act in S.A.No.601 of 2025. They have also filed I.A.No.3873 of 2025, seeking stay of further proceedings. However, on the ground that the Tribunal is not functioning, the petitioners have approached this Court seeking interim relief, till the disposal of the securitization application before the Tribunal.

3. When the petitioners have already approached the Tribunal and filed appropriate application under Section 17 of the SARFAESI Act, we are not inclined to entertain the writ petition to maintain parallel proceedings before this Court and the Tribunal, relating to the grievance of the petitioners. It is now brought to the notice of the Court that the Tribunal is now functioning.

4. Therefore, the Writ Petition is disposed of with a direction to the petitioners to pursue their remedy before the Tribunal in S.A.No.601 of 2025, which is pending adjudication before the Tribunal and also seek disposal of the stay application in I.A.No.3873 of 2025. However, as *Status-quo* is ordered to be maintained with regard to the possession of the secured asset, as per the order of a Co-ordinate Bench of this Court dated 16.10.2025, the said order shall continue till the stay petition in I.A.No.3873 of 2025 is disposed of before the Tribunal, on merits, according to law. There shall be no order as to costs.

Miscellaneous petitions, if any pending, in the writ petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE V. GOPALA KRISHNA RAO

Date: 11.12.2025

SRT

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

WRIT PETITION NO: 28852 of 2025

Date: 11.12.2025

SRT