

Date of reserved for orders : --

Date of pronouncement : 17.08.2026

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APHC010306552026



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

**[3564]**

MONDAY, THE 17<sup>th</sup> DAY OF AUGUST 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION NO: 15969/2026**

**Between:**

1.SMT. KOVVURU VIJAYA KUMARI, W/O (LATE) SRI K GANESH,  
HINDU, AGED 35 YEARS, R/AT FLAT NO.502, 4TH FLOOR, OLIVE  
HEIGHT. PLOT NO.51 MIG, LAWSONS BAY COLONY,  
CHINAWALTAIR, VISAKHAPATNAM -530017

**...PETITIONER**

**AND**

1.THE DEBTS RECOVERY TRIBUNAL, REP. BY ITS CHAIRMAN,  
VISAKHAPATNAM

2.BAJAJ FINANCE LTD, REP. BY ITS AUTHORISED OFFICER  
D,NO.50-81-70/7, 1TH FLOOR, ADITYA COMPLEX,  
SEETHAMMAPET, VISAKHAPATNAM- 530016

**...RESPONDENT(S):**

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 an appropriate Writ, order or direction mostly one which is in the nature of a Writ of Mandamus declaring the action of the Respondent No.1 in not adjudicating the I.A No.2447 of 2026(Stay Petition) in S.A No. 346 of 2026 pertaining to the Advocate Commissioners Notice dated 15-05- 2026 with respect to site admeasuring an extent of 47.715sq yards along with flat

no. 502 bearing D.No.4-67-3/4F/502 in fourth floor and car parking no. 502 in S.No. 48 in Chinnawaltair Village, Visakhapatnam City and District of the Petitioner as illegal, arbitrary and violative of principles of natural justice and Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents not to dispossess the Petitioner from the subject property till disposal of I.A No.2447 of 2026 in S.A No. 346 of 2026 before the Debt Recovery Tribunal, Visakhapatnam and pass such

**IA NO: 1 OF 2026**

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 stay all further proceedings in pursuance of Advocate Commissioner's Notice dated 15-05-2026 with respect to the Petitioner property i.e. site admeasuring an extent of 47.715sq yards along with flat no. 502 bearing D.No. 4-67-3/4 F/502 in fourth floor and car parking no. 502 in S.No. 48 in Chinnawaltair Village, Visakhapatnam City and District pending disposal of the above Writ Petition and pass such

**IA NO: 2 OF 2026**

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 2026 in W.P. No.15969 of 2026 dated 19.06.2026, in the interests of justice, and to pass

**Counsel for the Petitioner:**

1.SODUM ANVESHA

**Counsel for the Respondent(S):**

1.DASAM DURGA SHIVA SAI

2.

**The Court made the following:**

**THE HON'BLE SRI JUSTICE BATTU DEVANAND**  
**&**  
**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION No.15969 of 2026**

**ORDER:** *(Per Hon'ble Sri Justice Battu Devanand)*

The husband of the petitioner, late Ganesh, had availed certain credit facilities by way of Loan Agreement, dated 13.09.2023, for the purpose of business under the name and style of "Sri Durga Marketing". The alleged present liability is of Rs.1,23,39,942/- from 2<sup>nd</sup> respondent, a Non-Banking Financial Institution, by mortgaging the property admeasuring an extent of 47.715 sq. yards along with Flat No.502, bearing D.No.4-67-3/4F/502 in 4<sup>th</sup> Floor and car parking No.502 in S.No.48 in Chinnawaltair Village, Visakhapatnam City and District, as security by way of equitable mortgage in connection with the said credit facility. The said property is only residing shelter for the petitioner and her minor children.

2) The husband of the petitioner expired on 03.11.2024 by committing suicide. After demise of her husband, the petitioner and other legal heirs informed the 2<sup>nd</sup> respondent about the death of K. Ganesh. Due to financial difficulties caused by the death of her husband, the loan account could not be cleared regularly. The petitioner requested the 2<sup>nd</sup> respondent for "one time settlement" for the loan amount and requested to reduce the amount payable taking into consideration of the financial distress of the petitioner. The 2<sup>nd</sup> respondent refused to consider the request for amicable settlement.

3) The petitioner submitted a claim for insurance benefits payable under the policy obtained by her husband. The said claim is for an amount of Rs.3,00,00,000/-. The insurance company did not settle the claim and rejected the same on the ground that the policy does not cover the death when it is relating to suicide.

4) Aggrieved by the rejection of the said claim, the petitioner preferred First Appeal before the State Consumer Disputes Redressal Commission, Andhra Pradesh, against Axis Max Life Insurance Company Limited and it is pending for adjudication.

5) Meanwhile, the 2<sup>nd</sup> respondent proceeded to initiate coercive measures under the SARFAESI Act, 2002 by taking physical possession of the secured residential Flat of the petitioner by filing Criminal M.P.No.86 of 2026 before the Chief Judicial Magistrate, Visakhapatnam. The grievance of the petitioner is that without mentioning the date of order in CrI.M.P.No.86 of 2026, an Advocate-Commissioner issued notice, dated 15.05.2026 for taking physical possession of the subject property.

6) Aggrieved by the same, the petitioner approached the Debt Recovery Tribunal (DRT), Visakhapatnam by filing S.A.No.346 of 2026, challenging the Advocate-Commissioner notice, dated 15.05.2026. Along with the said S.A.No.346 of 2026, the petitioner also filed I.A.No.2447 of 2026 seeking stay of all further proceedings pursuant to the notice, dated 15.05.2026. Despite the urgency expressed by the petitioner, the Debt Recovery Tribunal, Visakhapatnam without passing any orders in I.A.No.2447

of 2026, ordered notice and posted the matter to 08.06.2026. Again it went several adjournments. Apprehending that the 2<sup>nd</sup> respondent to take steps for taking possession of the subject property, as no orders are passed by the Debt Recovery Tribunal, Visakhapatnam in stay petition, the present writ petition is filed.

7) Heard the learned standing counsel for the 2<sup>nd</sup> respondent.

8) On behalf of the 2<sup>nd</sup> respondent, a counter-affidavit has been filed. On perusal of the averments made in the counter-affidavit, it is clear that nowhere it is mentioned that when the Chief Judicial Magistrate, Visakhapatnam, passed order in CrI.M.P.No.86 of 2026. Besides this, there is no dispute that the petitioner filed S.A.No.346 of 2026 along with I.A.No.2447 of 2026 seeking stay, which is pending before the Debt Recovery Tribunal, Visakhapatnam.

9) Having considered the admitted facts emerges in this writ petition, as the petitioner had already approached the Debt Recovery Tribunal, Visakhapatnam and filed application under Section 17 of the SARFAESI Act, 2002 and it is pending before the Debt Recovery Tribunal, Visakhapatnam, we deem it appropriate to direct the Debt Recovery Tribunal, Visakhapatnam to consider and pass appropriate orders in I.A.No.2447 of 2026 as expeditiously as possible to meet the interest of justice.

10) Accordingly, this writ petition is disposed of with a direction to the 1<sup>st</sup> respondent i.e., the Debt Recovery Tribunal, Visakhapatnam, to consider and pass appropriate orders in I.A.No.2447 of 2026 in S.A.No.346 of 2026 as

expeditiously as possible. However, as the *status-quo* order is passed by this Court in I.A.No.1 of 2026 in this Writ Petition on 19.06.2026 with regard to the possession of the secured asset, the said order shall continue till the petition in I.A.No.2447 of 2026 in S.A.No.346 of 2026 is disposed of by the Debt Recovery Tribunal, Visakhapatnam on merits, according to law.

11) There shall be no order as to costs.

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

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**JUSTICE BATTU DEVANAND**

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**JUSTICE TUHIN KUMAR GEDELA**

Dated: 17.08.2026

PGR

(90)

THE HON'BLE SRI JUSTICE BATTU DEVANAND  
&  
THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

**WRIT PETITION No.15969 of 2026**

Dt. 17.08.2026

PGR