

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 24TH DAY OF DECEMBER 2013/3RD POUSHA, 1935

OP (DRT).No. 4627 of 2013 (O)

I.A. No.1483/2013 IN S.A. No.393/2013 BEFORE THE HON'BLE DRT, ERNAKULAM,
DATED 15.05.2013

PETITIONER : -

S.P. SANGEETH,
PRESIDENT,
MADHAVAM FOUNDATION,
ARAMAM,
OLATHANNI,
KADAVATTARAM,
NEYYATTINKARA,
THIRUVANANTHAPURAM.

BY ADVS.SRI.N.SASI
SMT.T.M.BINITHA

RESPONDENT : -

THE AUTHORISED OFFICER,
STATE BANK OF INDIA,
SME BRANCH,
REGIONAL OFFICE,
THIRUVANANTHAPURAM – 695 001.

BY ADV. SRI.R.S.KALKURA, SC, SBI

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION
ON 24-12-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

- EXT P1 : TRUE COPY OF THE DEMAND NOTICE DATED 07.08.2012.
- EXT P2 : TRUE COPY OF THE SALE NOTICE DATED 04.03.2013.
- EXT P3 : TRUE COPY OF THE NOTICE DATED 22.04.2013 ISSUED BY THE
ADVOCATE COMMISSIONER.
- EXT P4 : TRUE COPY OF THE SA NO.393/2013 FILED BEFORE THE HON'BLE DRT,
ERNAKULAM.
- EXT P5 : TRUE COPY OF THE I.A. No.1483/2013 IN SA No.393/2013 FILED BEFORE
THE HON'BLE DRT, ERNAKULAM.
- EXT P6 : TRUE COPY OF THE ORDER IN I.A. No.1483/2013 IN SA No.393/2013 FILED
BEFORE THE HON'BLE DRT, ERNAKULAM DATED 15.5.2013.
- EXT P7 : TRUE COPY OF THE NOTICE DATED 9.12.2013 ISSUED BY THE ADVOCATE
COMMISSIONER.

RESPONDENT'S EXHIBITS : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

K.Vinod Chandran, J.

O.P. (DRT) No. 4627 of 2013

Dated this the 24th day of December, 2013

JUDGMENT

The petitioner is the President of a trust which is said to be registered under the Charitable Societies Act. The averments in the original petition are, as if the trust has approached this court against the recovery steps initiated by the respondent bank for recovery of the defaulted amounts in a loan granted to the trust. However, the learned counsel appearing for the respondent bank submits that the loan itself was availed by the petitioner and not by the trust. The recovery proceedings when initiated against the properties of the petitioner, the petitioner had approached the Debts Recovery Tribunal, Ernakulam, which had granted a stay on conditions as stipulated in Ext.P6. However, the petitioner has not complied with any of the conditions. The order of the Debts Recovery Tribunal in Ext.P6 is dated 15.05.2013. The petitioner who has failed to comply with the conditions stipulated by the Debts Recovery Tribunal cannot claim equity before this court.

Original petition hence stands dismissed.

**K.Vinod Chandran,
Judge**