

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

OP(C).No. 310 of 2015 (O)

(O.S.1070/2010 OF 1ST ADDITIONAL SUB COURT, THRISSUR)

PETITIONER/CLAIM PETITIONER:

MS. SHEREEFA SIDDHI AGED 43 YEARS
W/O.SRI.SIDDHI, RESIDING AT KOTTILINGAL HOUSE
P.O.ENKAKKAD, MANKARA, WADAKKANCHERRY,
THRISSUR DISTRICT.

BY ADVS.SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)
SRI.M.A.AUGUSTINE

RESPONDENTS/PLAINTIFF AND DEFENDANTS 1 AND 2:

1. T.D.ANTONY @ ANTHONY, AGED 52 YEAR,
S/O.DEVASSY, THAROOKKARA HOUSE, POONTHOL,
THRISSUR-680001.

2. RAVNDRA KUMAR
S/O.C.C.AYYAPPAN, RESIDING AT KALATHIL HOUSE
NEPPANS ROAD, KUNNAMKULAM, THRISSUR-680 001.

3. THE BRANCH MANAGER
STATE BANK OF TRAVANCORE, ROUND SOUTH BRANCH
THRISSUR-680 001.

BY SRI.K.JAYESH MOHANKUMAR

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 310/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF CLAIM PETITION DTD. 29.12.2011.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.310 OF 2015

Dated this the 4th day of February, 2015.

J U D G M E N T

The petitioner claims to be the owner and in possession of 10.31 Ares of land and she claims to have obtained the said property in an auction conducted by the Recovery Officer of Debts Recovery Tribunal. The property was mortgaged by the 2nd respondent with the 3rd respondent by depositing the title deed of the property. Since the 2nd respondent failed to remit the amount due to the Bank, the Bank initiated proceedings under the SARFAESI Act. The petitioner purchased the property in auction and she was the successful bidder and she remitted the amount for which she had bid the property.

2. It is learnt by the petitioner that the 1st respondent has filed an application as I.A.No.652/2000 alleging that 2nd respondent has obtained certain amount from him and sought an attachment of the property. The petitioner points out that the 1st respondent obtained an order of attachment over the property

owned by the petitioner. On Coming to know about the same, she approached the court and moved I.A.No.31/2012 in I.A.No.1405/2009 in O.S.No.1070/2010 stating her claim and pointed out that she purchased the property in auction and the attachment cannot survive.

3. The grievance of the petitioner is that in spite of several postings, the said I.A. is not being heard and that causes considerable difficulties to her.

4. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

This original petition is disposed of directing the 1st Additional Sub Court, Thrissur to take up I.A.No.31/2012 in I.A.No.1405/2009 in O.S.No.1070/2010 and dispose of the same as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

P.BHAVADASAN
JUDGE

smp