

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

OP (DRT).No. 2077 of 2012 (O)

SA 186/2010 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM
.....

PETITIONER(S):

**INDIAN OVERSEAS BANK,
CHAVAKKAD BRANCH, REPRESENTED BY N.SURESH,
SON OF C.K.NEELAKANDAN MUTHATH, AGED 53 YEARS,
SENIOR MANAGER, INDIAN OVERSEAS BANK, REGIONAL OFFICE,
ERNAKULAM.**

BY ADV. SRI.LEO GEORGE

RESPONDENT(S):

- * 1. T.K. KUMARAN,
THAZHISSEERI HOUSE, PUNNA, MANATHALA VILLAGE,
CHAVAKKAD, THRISSUR DISTRICT, PIN-680 001. (DIED, LR RECORDED)**
- 2. SAROJINI, THAZHISSEERI HOUSE,
PUNNA, MANATHALA VILLAGE, CHAVAKKAD,
THRISSUR DISTRICT - 680 001.**
- 3. ABDUL GAFOOR P.,
PULIYAMPATTAYIL, PAROOR, PUNAYOORKULAM P.O.,
THRISSUR DISTRICT - 680 001.**
- * THE 2ND RESPONDENT IS RECORDED AS THE LEGAL REPRESENTATIVE
OF DECEASED 1ST RESPONDENT VIDE ORDER DTD.3.10.2012 IN
IA.12506/12 IN OP(DRT) 2077/2012.**

R2 BY ADVS. SRI.THOMAS T.VARGHESE

SRI.N.SASI

R3 BY ADV. SMT.E.V.MOLY

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING BEEN FINALLY HEARD
ON 08-04-2015, ALONG WITH OP (DRT) NO.43/2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP (DRT).No. 2077 of 2012 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE ISSUED AND SERVED UNDER SECTION 13(4) OF THE ACT ON RESPONDENTS 1 AND 2 BY THE AUTHORISED OFFICER OF THE BANK DATED 11/6/2009.

EXT.P2 TRUE COPY OF THE SALE NOTICE DATED 17/2/2010.

EXT.P3 TRUE COPY OF SA.186/2010 WITHOUT ANNEXURE ON THE FILES OF DEBTS RECOVERY TRIBUNAL, ERNAKULAM DATED NIL.

EXT.P4 TRUE COPY OF THE STAY ORDER PASSED IN IA.728/2010 IN SA.186/2010 DATED 8/3/2010.

EXT.P5 TRUE COPY OF THE ORDER ISSUED ON BEHALF OF THE DISTRICT COLLECTOR, THRISSUR DATED 3/7/2010.

EXT.P6 TRUE COPY OF WRITTEN STATEMENT FILED BY THE AUTHORISED OFFICER OF THE BANK DATED 11/10/2010 WITHOUT ANNEXURE.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
O.P.(DRT).No.2077 of 2012

and

O.P.(DRT).No.43 of 2015

.....
Dated this the 8th day of April, 2015

J U D G M E N T

In both these O.P(DRT), the prayer of the petitioners is for a direction to the Debt Recovery Tribunal to complete the proceedings in S.A.No.186 of 2010 which is pending before the said Tribunal from 05.03.2010 onwards. When the matter came up for orders on 30.03.2015, this Court called for a report from the Debt Recovery Tribunal with regard to the time that would be required for disposal of S.A.No.186 of 2010 pending before the Tribunal. By a report dated 07.04.2015, the Presiding Officer of the Tribunal has informed that the case is now posted for final arguments on 20.05.2015, and that the Tribunal would require six months time for passing final orders in S.A.No.186 of 2010. Taking note of the report of the Presiding Officer, but noting that the time limit of six months mentioned by the Presiding Officer will be excessive, in view of the fact that the S.A concerned was filed as early as on 05.03.2010, I dispose the OP(DRT) with a direction to the Debt Recovery Tribunal to pass final orders in S.A.No186 of 2010 on or before 30.09.2015.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

