

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

OP(Cr1.).No. 9 of 2015 (Q)

IN CMP 1721/2014 of C.J.M., KOTTAYAM

PETITIONER(S):

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1. MANOJ.P.S.
S/O.SUKUMARAN, PUTHUPPARAMBIL HOUSE
KUMARAGOM NORTH P.O., WARD NO.15, PALLICHIRA
KUMARAGAM, KOTTAYAM TALUK, KOTTAYAM DISTRICT.
 2. STYLA K.D. @ SHILAJA, W/O.MANOJ P.S.
PUTHUPARAMBIL HOUSE, KUMARAGAOM NORTH P.O., WARD NO.15
PALLICHIRA, KUMARAGAM, KOTTAYAM TALUK
KOTTAYAM DISTRICT.
 3. SUMATHY
W/O.SUKUMARAN, PUTHUPARAMBIL HOUSE
KUMARAGAOM NORTH P.O., WARD NO.15, PALLICHIRA
KUMARAGAM, KOTTAYAM TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.J.ABHILASH

RESPONDENT(S):

STATE BANK OF TRAVANCORE
KUMARAKAM BRANCH, KOTTAYAM
REP. BY THE CHIEF MANAGER AND AUTHORISED OFFICER
SARC, ZONAL OFFICE, SBT
KOTTAYAM-686 001.

R1 BY ADV. SRI.SATHISH NINAN
R BY SRI.SANTHOSH MATHEW

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

OP(Crl.).No. 9 of 2015 (Q)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1.TRUE COPY OF THE JUDGMENT IN WPC NO.3721/2014.

EXT.P2.TRUE COPY OF THE CMP 1721/2014 FILED BEFORE THE CHIEF
MAGISTRATE COURT, KOTTAYAM.

EXT.P3.TRUE COPY OF THE AFFIDAVIT FILED BY THE CHIEF MAGISTRATE
COURT, KOTTAYAM.

EXT.P4.TRUE COPY OF THE LOAN STATEMENT OF THE PETITIONERS IN ACCOUNT
NO.67029341555.

EXT.P5.TRUE COPY OF THE LOAN STATEMENT OF THE PETITIONERS IN ACCOUNT
NO.67008074535.

EXT.P6.TRUE COPY OF THE ORDER IN CMP NO.1721/.2014.

RESPONDENT(S) ' EXHIBITS

/true copy/

P.A TO JUDGE

P.UBAID, J.

O.P(Crl) No. 9 of 2015

Dated this the 2nd day of February, 2015

J U D G M E N T

An order passed by the Chief Judicial Magistrate Court, Kottayam under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) is under challenge. The petitioners challenge the said order on the ground that there is some dispute regarding the amount due. On other aspects there is no dispute. The dispute is only regarding the correctness of the amount due under the loan transaction. This will have to be resolved by the Debt Recovery Tribunal. Finding that the proper course will have to be adopted, the learned counsel for the petitioners now seeks permission to withdraw the proceeding without prejudice to the right of the petitioners to approach the Debt Recovery Tribunal under Section 17 of the SARFAESI Act for resolution of the dispute regarding correctness of the amount. Permission for withdrawal is granted on submission. Accordingly, this Original Petition is dismissed as withdrawn

without prejudice to the right of the petitioners to approach the Debt Recovery Tribunal for resolution of the dispute regarding the correct amount due.

**P.UBAID
JUDGE**

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