

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

OP (DRT).No. 7 of 2015 (O)

OA.NO. 503/2012 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM

PETITIONER :

**SREEJITH M.V., S/O. VASUDEVAN NAIR, AGED 41 YEARS,
MUTHUKKATTU HOUSE, KUMMANODE,
PATTIMATTOM P.O., ERNAKULAM DISTRICT - 683 562.**

**BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA**

RESPONDENT :

**THE FEDERAL BANK LTD.,
REPRESENTED BY ITS MANAGER, REGD. OFFICE AT ALUVA,
PATTIMATTOM BRANCH, ERNAKULAM DISTRICT,
KERALA STATE,PIN - 683 562.**

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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OP (DRT).No. 7 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - A TRUE COPY OF THE PETITION TO SET ASIDE EX PARTE ORDER AS IA NO.2257/2014 FILED BY THE PETITIONER IN OA NO. 503/2012 DT. 29.9.14 BEFORE THE DEBT RECOVERY TRIBUNAL.
- P2 - A TRUE COPY DELAY CONDONATION PETITION AS IA NO. 2265/2014 TO SET ASIDE THE EX PARTE ORDER IN OA NO. 503/12 DT. 29.9.14.
- P3 - A TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENT BANK IN THE PETITION TO SET ASIDE EX PARTE ORDER DATED NIL.
- P4 - A TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENT IN THE PETITION TO CONDONE THE DELAY DATED NIL.
- P5 - A TRUE COPY OF THE NOTICE ISSUED BY THE RECOVERY OFFICER DEBT RECOVERY TRIBUNAL ERNAKULAM TO THE VILLAGE OFFICER PATTIMATTOM DT. 24.11.14

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

O.P.(DRT).NO.7 OF 2015

Dated this the 15th day of January, 2015

J U D G M E N T

The petitioner who was 1st defendant in O.A.No.503 of 2012 on the file of the Debt Recovery Tribunal, has preferred Ext.P1 petition to set aside an ex-parte decree that was passed in the said O.A by the Tribunal. Along with the petition to set aside the ex-parte order he also filed Ext.P2 petition for condonation of the delay. The grievance of the petitioner in the writ petition is that while the aforesaid two applications are pending consideration before the Tribunal, he has been served with Ext.P5 notice proposing to measure the secured asset for the purposes of proceeding with the sale of the property. The limited prayer of the petitioner in the writ petition is to keep proceedings pursuant to Ext.P5 in abeyance till such time as orders are passed by the Tribunal on Exts.P1 and P2 applications.

2. I have heard Sri.Paul.K.Varghese, the learned counsel for the petitioner. In view of the fact that orders that I propose to pass, I do not deem it necessary to hear the respondent.

3. On a consideration of the facts and circumstances of the case there will be a direction to the Debt Recovery Tribunal, Ernakulam, to pass orders on Exts.P1 and P2 applications, filed by the petitioner before it, within a period of one month from the date of receipt of a copy of the judgment. All further proceedings pursuant to Ext.P5 notice issued to the petitioner shall be kept in abeyance till such time as orders are passed by the Tribunal as above, and communicated the same to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

