

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

OP (DRT).No. 22 of 2015 (O)

SA 29/2015 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM.
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PETITIONER/APPLICANT IN SA 29/2015 OF DEBT RECOVERY TRIBUNAL:

**M.HIDAYATH, AGED 60 YEARS, W/O.HABEEB,
MAMPILLIL HOUSE, PADA NORTH.P.O.,
KARUNAGAPPALLY, KOLLAM DISTRICT - 690 518.**

**BY ADVS.SRIP.S.SUJETH
SRI.NIXON PAUL
SRI.E.S.SANEEJ**

RESPONDENT(S)/DEFENDANTS IN SA 29/15 OF DEBT RECOVERY TRIBUNAL:

- 1. THE AUTHORIZED OFFICER,
THE FEDERAL BANK LTD.,
KARUNAGAPPALLY BRANCH,
KOLLAM DISTRICT - 690 518.**
- 2. THE FEDERAL BANK LTD.,
REP. BY ITS BRANCH MANAGER,
KARUNAGAPPALLY BRANCH,
KOLLAM DISTRICT - 690 518.**
- 3. ABDUL MUJEEB, S/O.MUHAMMED KUNJU,
PROPRIETOR, M/S.ETHIHAD TRADERS,
AJMI MANZIL, NEELIKULAM, K.S.PURAM P.O.,
KARUNAGAPPALLY, KOTTAYAM DISTRICT - 690 544.**
- 4. MUHAMMED KUNJU, S/O.LATE VAVA KUNJU, HOUSE,
KALLOOR, NEELIKULAM, K.S.PURAM P.O.,
KARUNAGAPPALLY, KOTTAYAM DISTRICT - 690 544.**

**R1 & R2 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY
R4 BY ADV. SRI.P.R.HARIKUMAR**

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR
ADMISSION ON 01-06-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

mbr/

OP (DRT).No. 22 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: THE TRUE PHOTOCOPY OF THE ORDER DATED 15/01/2015 FROM THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.
- EXT.P2: THE TRUE PHOTOCOPY OF THE RECEIPT DATED 09/02/2015.
- EXT.P3: THE TRUE PHOTOCOPY OF THE BANK STATEMENT DATED 09/01/2015 SHOW RELEASE OF RS.5 LAKHS.
- EXT.P4: THE TRUE PHOTOCOPY OF THE JUDGMENT DATED 03/12/2013 IN WPC.28979/13 OF THIS HONOURABLE COURT.
- EXT. P5: THE TRUE PHOTOCOPY OF THE REPRESENTATION BEFORE THE RESPONDENT 1 AND 2.
- EXT. P6 : THE TRUE COPY OF APPEAL IS AIR(SA) 298/15 BEFORE DEBT RECOVERY APPELLATE TRIBUNAL AT CHENNAI.
- EXT. P7 : THE TRUE PHOTOCOPY OF STAY PETITION IN AIR(SA) 298/15 BEFORE DEBT RECOVERY APPELLATE TRIBUNAL AT CHENNAI.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

O.P.(DRT) No.22 of 2015

Dated this the 1st day of June, 2015

JUDGMENT

The petitioner challenges Ext.P1 order of the Debts Recovery Tribunal, Ernakulam. It is admitted that Ext.P1 is amenable for appellate remedy before the Debts Recovery Appellate Tribunal. Therefore, with liberty to challenge Ext.P1, the relief is declined.

2. The petitioner further submits that he may be permitted to arrive at consensus to sell the property by private sale and directed to adjourn the Securitization proceedings till the proposed attempt is materialized. It is to be noted that this Original Petition was filed as early as on 18.2.2015 and in spite of the lapse of last four months; nothing has been materialised. The petitioner was also directed to remit Rs.5 lakhs. The petitioner did not remit the amount.

3. It is submitted by the counsel for the Bank that the liability is more than Rs.1 Crore.

In that view of the matter, this O.P.(DRT) is dismissed. To work out the petitioner's alternate remedy, no coercive action shall be taken against the petitioner for a period of ten days from today.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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