

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

OP (DRT).No. 41 of 2015 (O)

SA.NO. 679/2013 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM

PETITIONER/PETITIONER IN SA 679/13 :

**NELSON P.V., AGED 47 YEARS,
S/O.P.C.SIMON, PANACHICKAL HOUSE,
ALLAPRA.P.O., PERUMBAVOOR KARA,
VENGOLA VILLAGE, KUNNATHUNADU THALUK,
ERNAKULAM DISTRICT, KERALA,PIN-683 533**

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

RESPONDENT(S)/RESPONDENTS IN SA 679/13 :

- 1. THE AUTHORIZED OFFICER,
CATHOLIC SYRIAN BANK LTD., ZONAL OFFICE,
ERNAKULAM-682 041**
- 2. CATHOLIC SYRIAN,
REP. BY THE BRANCH MANAGER,
PERUMBAVOOR BRANCH, ERNAKULAM DISTRICT-682 050**

R1 & R2 BY SRI.C.A.JOY

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

OP(DRT).NO.41/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE INTERIM ORDER IN IA 3598/2013 IN SA 679/13 OF DEBTS RECOVERY TRIBUNAL
- P2 COPY OF THE JUDGMENT DATED 7/2/2014 IN OP(DRT) 29/2014 OF THIS HONOURABLE COURT
- P3 COPY OF THE JUDGMENT IN WPC.NO.26390/2014 IS PRODUCED.
- P4 COPY OF THE AUCTION NOTICE DATED 14/2/2015 OF THE RESPONDENT BANK
- P5 COPY OF THE ADVANCEMENT PETITION WITH ID NO.4610 IN SA 679/2013 BEFORE THE DEBT RECOVERY TRIBUNAL, ERNAKULAM
- P6 COPY OF THE STAY PETITION WITH ID NO.4609 IN SA 679/2013 BEFORE DEBT RECOVERY TRIBUNAL, ERNAKULAM

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
OP(DRT).No.41 of 2015
.....

Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner who is an applicant in S.A 679 of 2013 before the Debt Recovery Tribunal, has approached this Court challenging the proceedings initiated by the respondent bank for recovery of loan amounts which were defaulted by the petitioner. In the OP(DRT), Ext.P4 sale notice of the respondent bank is impugned. While there are various contentions raised in the OP(DRT), I note that, against proceedings initiated on an earlier occasion by the respondent bank, the petitioner had approached this Court through W.P.(C).No.26390 of 2014. On that occasion, this Court had granted the petitioner the facility to pay the defaulted amounts in instalments starting from 1st December, 2014 onwards. It is not in dispute that the petitioner did not comply with the direction in Ext.P3 judgment of this Court. Under the said circumstances, I am of the view that the present OP(DRT) filed by the petitioner seeking substantially the same relief as was earlier sought for in the writ petition that led to Ext.P3 judgment, cannot be maintained at the instance of the petitioner.

The OP(DRT) fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns

