

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

OP (DRT).No. 81 of 2015 (O)

(SA.NO.235/2015 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM DISTRICT)

PETITIONER :

**RAFEEQUE K.A.V.,
S/O KALLANDAN,AGED 42 YEARS,
PROPRIETOR OASIS INTERNATIONAL EXPORTS & IMPORTS,
MUZHAPPILANGAD, KANNUR DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S):

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- 1. THE AUTHORISED OFFICER,
VIJAYA BANK, JUBILEE SHOPPING COMPLEX,
TELLICHERY BRANCH, TELLICHERY -670 101**
 - 2. THE BRANCH MANAGER,
VIJAYA BANK , JUBILEE SHOPPING COMPLEX,
TELLICHERY BRANCH, TELLICHERY- 670 101**
 - 3. THE REGISTRAR,
DRT ERNAKULAM -682 031**

**R1 & R2 BY ADV. SMT.LATHA KRISHNAN,SC, VIJAYA BANK
R3 BY GOVERNMENT PLEADER SMT. M.T.SHEEBA**

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

OP (DRT).No. 81 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: THE TRUE COPY OF THE POSSESSION NOTICE DATED 23/10/2014

EXT.P2: THE TRUE COPY OF THE MEMORANDUM OF S.A.NO. 235/2015

EXT.P3: THE TRUE COPY OF THE PETITION FILED BEFORE THE DRT,
ERNAKULAM FOR INTERIM STAY OF RECOVERY PROCEEDINGS.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

OP(DRT) No. 81 of 2015

Dated this the 18th day of June, 2015

J U D G M E N T

The petitioner filed this original petition seeking for a direction to the bank to hand over the physical possession of the residential building till the disposal of S.A. No.235/2015 on the file of the Debt Recovery Tribunal.

2. It is admitted that the petitioner has approached this Court in W.P.(C) No.12828/2015 and on account of the non-compliance of the direction, based on the interim order of this Court, this Court dismissed the writ petition. If the petitioner seeks a direction to the bank to hand over the possession, necessarily the petitioner has to approach Debt Recovery Tribunal, which have the control over the proceedings. If the petitioner make a request that shall be considered by the Debt Recovery Tribunal within three days on receipt of such request.

Original Petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/