

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

OP (DRT).No. 102 of 2015 (O)

**I.A.NO.1683/2015 IN S.A.NO.235/2015 OF DEBT RECOVERY TRIBUNAL,
ERNAKULAM BENCH**

PETITIONER(S) :

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

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S) :

**1. THE AUTHORIZED OFFICER, VIJAYA BANK,
JUBILEE SHOPPING COMPLEX, TELLICHERY BRANCH,
TELLICHERY-670 101.**

**2. THE BRANCH MANAGER,
VIJAYA BANK, JUBILEE SHOPPING COMPLEX,
TELLICHERY BRANCH, TELLICHERY-657 101.**

**3. THE REGISTRAR,
DRT, ERNAKULAM-682 031.**

R1 & R2 BY SRI.K.ANAND (SENIOR ADVOCATE)

ADV. SMT.LATHA KRISHNAN, S.C,

R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

ADV. SRI.T.V.VINU, CGC

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR
ADMISSION ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

OP (DRT).No. 102 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: THE TRUE COPY OF THE POSSESSION NOTICE DATED 23.10.2014.

**EXHIBIT P2: THE TRUE COPY OF THE ORDER IN I.A.NO.1683/2015 IN
S.A.NO.235/2015 ON THE FILED OF DRT, ERNAKULAM
DATED 06.07.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

O.P.(D.R.T) No. 102 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

The petitioner challenging an order passed by the Debts Recovery Tribunal in securitisation application has approached this Court.

2. The challenge is based on the steps taken under SARFAESI Act. It is to be noted that the petitioner has approached this Court on an earlier occasion challenging SARFAESI proceedings and did not honour the directions in the judgment. Thereafter, the petitioner approached the Debts Recovery Tribunal. The Debts Recovery Tribunal vide order dated 06.07.2015 dismissed an interlocutory application filed by the petitioner. This order is a well considered order, if the petitioner wants to challenge the legality of the order, the petitioner is free to move the Debts Recovery Appellate Tribunal and not before this Court. There is no infirmity with the order. With that liberty, the original petition is dismissed.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE