

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

OP (DRT).No. 117 of 2015 (O)

OA. NO.218/2014 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM.

.....

PETITIONER(S):

**C.P. THOMAS, S/O.PATHROSE,
CHEMMALA HOUSE, VILANGU P.O.,
KIZHAKKAMBALAM, ERNAKULAM-683 561.**

BY ADV. SRI.T.RAJESH.

RESPONDENT(S):

- 1. THE RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL,
ERNAKULAM.**
- 2. STATE BANK OF TRAVANCORE,
ALUVA BRANCH, P.B. NO.3,
CATHOLIC CENTRE, RAILWAY STATION ROAD,
ALUVA, ERNAKULAM-683 101.**

**R1 BY GOVT. PLEADER SRI.LIJU V.STEPHEN.
R2 BY ADVS. SRI.SANTHOSH MATHEW,
SRI.SATHISH NINAN.**

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

OP (DRT).No. 117 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SUMMONS ISSUED BY THE DEBT RECOVERY TRIBUNAL, ERNAKULAM IN O.A.218/2014.
- EXT.P2 COPY OF THE FINAL ORDER PASSED DATED 16/02/2015 BY THE DEBT RECOVERY TRIBUNAL, ERNAKULAM.
- EXT.P3 COPY OF THE DISCHARGE SUMMARY ISSUED BY THE LISIE HEART INSTITUTE HOSPITAL.
- EXT.P4 COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT.P5 COPY OF THE I.A.2572/2015 FILED BY THE PETITIONER.
- EXT.P6 COPY OF THE I.A.2571/2015 FILED BY THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
O.P.(DRT).No.117 of 2015

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Dated this the 7th day of October, 2015

J U D G M E N T

The petitioner is the 1st respondent in O.A.No.218 of 2014 pending before the Debt Recovery Tribunal, Ernakulam. It is submitted that the said O.A was finally disposed by the Tribunal by Ext.P2 final order, and the respondents are taking further steps pursuant to Ext.P2 to dispossess the petitioner. It is the case of the petitioner that Ext.P2 final order was passed ex parte, and the petitioner has filed Exts.P5 and P6 applications for setting aside the ex-parte order, and also for condoning the delay in filing the said applications. It is further stated that, the Debt Recovery Tribunal has issued notice to the respondents in both those applications. The limited prayer in the writ petition is for a direction to the Debt Recovery Tribunal to pass orders on Exts.P5 and P6 applications within a stipulated time frame and to keep further proceedings pursuant to Ext.P2 in abeyance till such time as orders are passed by the Debt Recovery Tribunal.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing counsel for the respondent bank.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the Debt Recovery Tribunal, Ernakulam, to consider and pass orders on Exts.P5 and P6 applications preferred by the petitioner within a period of two months from the date of receipt of a copy of this judgment after hearing the petitioner. I make it clear that, further proceedings pursuant to Ext.P2 final order shall be kept in abeyance till such time as orders are passed by the Debt Recovery Tribunal as directed.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns