

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

OP (DRT).No. 121 of 2015 (O)

IA.3144/2012 IN SA 17/2008 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM
.....

PETITIONER(S):

**AMMINI ERNEST, W/O.J.A.ERNEST, PAPPALI HOUSE,
UNICHIRA, KOCHI - 782 024, PRESENTLY AT
'AVE MARIA', PAPPALI HOUSE, FR.MANUEL ROAD,
KATHRIKKADVU, KOCHI - 682 018.**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.P.A.RINUSA**

RESPONDENT(S):

- 1. THE DEBT RECOVERY TRIBUNAL KERALA AT ERNAKULAM,
HOUSING BOARD BUILDING, PANAMPPILLY NAGAR,
ERNAKULAM - 682 016.**
- 2. STATE BANK OF INDIA,
ERNAKULAM BRANCH, KOCHI - 682 911,
REPRESENTED BY ITS CHIEF MANAGER AND
PRINCIPAL OFFICER, ERNAKULAM, KOCHI - 682 011.**
- 3. M/S.TRITON SYSTEMS PVT. LTD., 35/791,
CHULLIPARAMBIL HOUSE NORTH JANATHA ROAD,
PALARIVATTOM, PRESENTLY AT 35/1774, JYOTHI,
RESERVE BANK LANE, SOUTH JANATHA ROAD,
PALARIVATTOM, KOCHI - 682 025,
REPRESENTED BY ITS MANAGING DIRECTOR
SOLOMON ERNEST P.**
- 4. V.S.LALAN, SRUTHI NILAYAM,
32/1657 C, BYE-PASS ROAD,
PALARIVATTOM, KOCHI - 682 025.**

**R1 BY GOVERNMENT PLEADER SRI.LIJU V. STEPHEN
R2 BY ADV. SRI.B.S.SYAMANTHAK**

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP (DRT).No. 121 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE JUDGMENT DTD.26.11.2009 IN WP() NO.34118/2009 OF
THIS HON'BLE COURT.**

**EXT.P2: TRUE COPY OF JUDGMENT IN CONT. CASE NO.1348/2011 DTD.19.1.2012 OF
THIS HON'BLE COURT.**

**EXT.P3: A TRUE COPY OF THE IA.NO.3144/2012 FILED BY THE PETITIONER
DTD.22.11.2012.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.K.JAYASANKARAN NAMBIAR, J.
.....
O.P.(DRT).No.121 of 2015
.....
Dated this the 13th day of October, 2015

J U D G M E N T

The grievance of the petitioner in the O.P.(DRT) is essentially that, while she has approached the Debt Recovery Tribunal with I.A.No.3144 of 2012 with a prayer for restoration of possession of her only property in execution of the order issued by the Debt Recovery Tribunal, Ernakulam, in S.A.No.17 of 2008, the said I.A has not been considered by the Debt Recovery Tribunal although it has been pending before the Debt Recovery Tribunal for more than three years. The limited prayer sought for in the original petition is for a direction to the Debt Recovery Tribunal to consider and pass orders on I.A.No.3144 of 2012 after hearing the petitioner.

2. I have heard the learned Senior counsel for the petitioner and the learned Standing counsel for the respondent bank.

On a consideration of the facts and circumstances of the case and the submissions made across the bar and taking note of the fact that although an appeal has been preferred by the 2nd respondent against the order of the Debt Recovery Tribunal in S.A.No.17 of 2008, no stay has been granted by the Debt Recovery Appellate Tribunal in the appeal filed by the 2nd respondent bank, there will be a direction to the Debt Recovery Tribunal,

Ernakulam, to consider and pass orders on I.A.No.3144 of 2012 filed by the petitioner within a period of two months from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/13.10.15

