

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

OP (DRT).No. 131 of 2015 (O)

(AGAINST ORDER IN S.A.NO.390/2015 BEFORE THE DRT, ERNAKULAM

PETITIONER(S) :

**GOPALA KRISHNAN, AGED 58 YEARS,
MAHIRAM, MELECHITTAZHA, VATTAPPARA,
NEDUMANGAD, TRIVANDRUM.**

BY ADV. SMT.VIJAYAKUMARI

RESPONDENT(S) :

- 1. AXIS BANK LTD.,
REPD. BY ITS MANAGER,
CITY PLAZA, YMCA CROSS ROAD,
KOZHIKODE.**
- 2. AUTHORISED OFFICER,
AXIS BANK LTD.,
CITY PLAZA, YMCA CROSS ROAD, KOZHIKODE.**
- 3. THE CHAIRMAN, AXIS BANK,
REGISTERED OFFICE, TRISUL,
3RD FLOOR, OPP. TO SAMARTHESWAR TEMPLE,
NEAR LAW GARDEN, ELLISBRIDGE,
AHAMDABAD - 383 006.**

BY SMT.SREEKALA KRISHNADAS

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR
ADMISSION ON 26-10-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

AMV

: 2 :

OP (DRT).No. 131 of 2015 (O)

APPENDIX

PETITIONER(S) EXHIBITS :

EXT.P1. : COPY OF SEC.13(2) NOTICE DATED 20.08.2014.

**EXT.P2. : COPY OF ADVOCATE COMMISSIONERS NOTICE IN
CMP.NO.850/2015 DATED 28.05.2015.**

**EXT.P3. : COPY OF THE S.A.NO.390/15 FILED BEFORE THE DRT,
ERNAKULAM WITHUT ANNEXURES.**

**EXT.P4. : COPY OF THE I.A.NO.2575/15 IN S.A.NO.390/15 FILED BEFORE
THE DRT, ERNAKULAM.**

**EXT.P5. : COPY OF THE INTERIM ORDER IN I.A.NO.2575/15 IN S.A.NO.390
OF 2015 FILED BEFORE THE DRT, ERNAKULAM.**

RESPONDENTS EXHIBITS : NIL

/TRUE COPY/

PA.TO JUDGE

AMV

A.K.JAYASANKARAN NAMBIAR, J.
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O.P.(DRT). No. 131 of 2015
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Dated this the 26th day of October, 2015

JUDGMENT

The challenge in the OP(DRT) is against Ext.P5 interim order passed by the Debt Recovery Tribunal in IA No.2575 of 2015 in SA No.390 of 2015. When the OP(DRT) came up for admission, it was pointed out by the learned Standing Counsel for the respondent bank that the petitioner had earlier approached this Court through a WP(C) No.27297 of 2014, wherein an interim order was passed granting the petitioner a facility of discharging the liability by installments. It is not in dispute that the petitioner did not comply with the directions of this Court and also defaulted in the installment facility granted. Under such circumstances, I am of the view that the petitioner cannot aspire for any further relief from this Court, in its challenge against Ext.P5 order. This is more so because, in the IA filed before the DRT, which led to Ext.P5 order, the DRT was informed of the filing of the earlier writ petition and it is after taking note of this fact that Ext.P5 order was passed granting the petitioner, time upto 25.11.2015 to pay an amount of Rs.15,00,000/- in two installments. I see no reason to interfere with Ext.P5 order, in these proceedings. The OP(DRT), fails and it is dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE