

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

OP (DRT).No. 155 of 2015 (O)

OA 361/2011 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM DATED 19-03-2011
.....

PETITIONER(S):

**DEVASSIA P. D., S/O. DEVASSIA,
PULIMOOTTIL HOUSE, RAJAKKAD P.O.,
IDUKKI DISTRICT.**

BY ADV. SRI.S.VASUDEVAN

RESPONDENT(S):

- 1. CANARA BANK, HI-TECH AGRICULTURE FINANCE BANK,
GEETHA COMMERCIAL COMPLEX, M.G.ROAD,
NAGAMPADOM, KOTTAYAM, KERALA - 686 001,
REPRESENTED BY SENIOR MANAGER.**
- 2. RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL,
(KERALA & LAKSHADWEEP), 8TH FLOOR,
KSHB BUILDING, PANAMBILLY NAGAR,
COCHIN - 682 036.**

**R1 BY ADV. SRI.V.B.HARI NARAYANAN
R2 BY GOVERNMENT PLEADER SRI.R.RANJITH**

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP
FOR ADMISSION ON 07-12-2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP (DRT).No. 155 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: THE TRUE COPY OF THE FINAL ORDER PASSED BY THE HON'BLE DEBTS
RECOVERY TRIBUNAL, ERNAKULAM AS O.A.NO.361/2011 DTD.19.3.2015.**

**EXT.P2: THE TRUE COPY OF THE I.A.NO.2399/2015 IN OA.NO.361/15 IS PRODUCED
HEREWITH AND MARKED AS EXT.P2.**

**EXT.P3: THE TRUE COPY OF THE NOTICE FOR SALE PROCLAMATION IS PRODUCED
HEREWITH AND MARKED AS EXT.P3.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
O.P.(DRT).No.155 of 2015

.....
Dated this the 7th day of December, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank and defaulted in repayment of the same, is aggrieved by the steps taken by the respondent bank to bring the secured asset to sale. Ext.P3 is the notice for settling the sale proclamation. The learned counsel for the petitioner would submit that against Ext.P1 order of the Debt Recovery Tribunal, he has preferred Ext.P2 application before the Tribunal for setting aside Ext.P1 order which, according to the petitioner, was passed ex parte. The limited prayer of the petitioner in the O.P.(DRT) is for a direction to the Debt Recovery Tribunal to consider and pass orders on Ext.P2 application expeditiously and to keep in abeyance further proceedings pursuant to Ext.P3 till then.

2. Heard the learned counsel for the petitioner and 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 direct the Debt Recovery Tribunal, Ernakulam to consider and pass orders on Ext.P2 application preferred by the petitioner within a period of one month from the date of receipt of a copy of this judgment after

hearing the petitioner. Further steps pursuant to Ext.P3 notice shall be kept in abeyance till such time as orders are passed by the Debt Recovery Tribunal as directed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/7.12.15