

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

OP (DRT).No. 161 of 2015 (O)

OA.NO.412/2015 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM
.....

PETITIONER/DEFENDANT:

**SIVANANDAN KELOTH, DEVARKAD HOUSE,
NELLINI, CHAVASSERY, MATTANNOOR P.O.,
KANNUR - 670 702.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH
SRI.PRAJIT RATNAKARAN**

RESPONDENT/APPLICANT:

**THE HDFC BANK LTD.,
KANNUR BRANCH,
NEAR TRAINING SCHOOL,
KANNUR - 670 002.**

BY ADV. SRI.T.RAJESH, SC

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP
FOR ADMISSION ON 17-12-2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

msv/

OP (DRT).No. 161 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE STATEMENT OF ACCOUNT.

EXT.P2: TRUE COPY OF THE COMPLAINT CC NO.143/2015.

**EXT.P3: TRUE COPY OF THE INTERIM ORDER DTD.23.5.2015 IN IA.NO.164/2015 IN
CC.NO.143/2015 OF THE CDRF, KANNUR.**

**EXT.P4: TRUE COPY OF THE ORDER DTD.5.10.2015 IN IA.NO.2484/2015 IN
OA.NO.412/2015 OF THE DRT, ERNAKULAM.**

**EXT.P5: TRUE COPY OF THE ORDER DTD.5.10.2015 IN IA.NO.2485/2015 IN
OA.NO.412/2015 OF THE DRT, ERNAKULAM.**

EXT.P6: TRUE COPY OF THE RECEIPT DTD.2.12.2015 ISSUED BY THE RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

A.K.JAYASANKARAN NAMBIAR, J.

O.P.(DRT). No. 161 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

In this OP(DRT) the petitioner, who is the defendant and respondent in OA No.412 of 2015, is aggrieved by Ext.P4 order passed by the Debt Recovery Tribunal, directing the attachment and taking possession of a vehicle belonging to the petitioner. In the OP(DRT), the contention of the petitioner is essentially that the said order of the DRT was passed, during the pendency of an injunction order passed by the Consumer Disputes Redressal Forum restraining the respondent from repossessing the vehicle.

2. I have heard the learned counsel appearing for the petitioner and in the nature of the order that I propose to pass, I do not deem it necessary to hear the respondent.

The proceedings before the DRT are under the RDDBFI Act, 1993 and in matters coming under the jurisdiction of the DRT under the aforesaid Act, Ext.P3 order passed by the Consumer Disputes Redressal Forum cannot be an obstacle to the passing of orders by the Tribunal since the Consumer Disputes Redressal Forum does not have the jurisdiction in matters falling under the

RDDBFI Act. Accordingly, I am of the view that the remedy of the petitioner against Ext.P4 order lies in approaching the DRT and seeking to vacate the order so passed by the Tribunal. Relegating the petitioner to the aforesaid remedy, this OP(DRT) is dismissed.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE