

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

OP (DRT).No. 108 of 2014 (O)

**AGAINST THE ORDER/JUDGMENT IN OA 349/2005 of DEBT RECOVERY TRIBUNAL,
ERNAKULAM DATED 05/11/2014.**

PETITIONER:

**B.M.ABDUL KADAR, AGED 78 YEARS
S/O.LATE MOIDEEN KUTTY, PROPRIETOR, M/S.ASHRAF TIMBER
HIGE BAZAR, MANGALORE
PRESENTED BY RESIDING AT NAZEER COTTAGE
NELLIKKETTA.P.O, KASARGOD TALUK, KERALA.**

**BY ADVS.SRI.PRAVEEN K. JOY
SRI.JOMON P.VARGHESE**

RESPONDENTS:

- 1. THE AUTHORIZED OFFICER,
SOUTH INDIAN BANK LTD, REGISTERED OFFICE, P.B.NO.28
THRISSUR-680 001.**
- 2. THE BRANCH MANAGER,
SOUTH INDIAN BANK LTD,
MANAGALORE BRANCH-575 001.**

BY SRI.K.K.JOHN,SC,SOUTH INDIAN BANK

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (DRT).No. 108 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1 : THE TRUE PHOTOCOPY OF THE SALE PROCLAMATION NOTICE

**EXT.P2 : THE TRUE PHOTOCOPY OF THE PETITION BEFORE THE RECOVERY
OFFICER,DEBT RECOVERY TRIBUNAL AT ERNAKULAM.**

RESPONDENT(S)' EXHIBITS : NIL

// TRUE COPY

P.A TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

O.P.(DRT).NO.108 OF 2014

Dated this the 9th day of January, 2015

J U D G M E N T

The petitioner who had availed of a loan from the respondent bank, defaulted the repayment of the same. Consequently, the respondent bank initiated recovery proceedings under Ext.P1 sale proclamation notice. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.Praveen K.Joy, the learned counsel for the petitioner and Sri.V.K.John, the learned Standing counsel for the respondents. It is pointed out by counsel for the petitioner that Ext.P2 application that was preferred before the recovery officer of the Debt Recovery Tribunal, for excluding certain portions of the secured assets from the purview of Ext.P1 sale notice, is pending consideration before the said authority. The application was preferred in the light of the fact that the total secured assets comprised of 5.5 acres of land and the debt to be realised now is only in an amount of Rs.24,00,000/-. It is submitted that the matter is now posted before the recovery officer on 16.01.2015 and the limited prayer at this stage is for the coercive steps initiated

through Ext.P1 to be kept in abeyance till such time as a decision is taken by the recovery officer on Ext.P2 application preferred by the petitioner.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition directing that the coercive steps pursuant to Ext.P1 notice shall be kept in abeyance till such time as the Recovery Officer, Debt Recovery Tribunal considers and passes orders on Ext.P2 application filed by the petitioner before him, and communicates the same to the petitioner.

Writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

