

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

OP (DRT).No. 112 of 2014 (O)

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AGAINST THE ORDER/JUDGMENT IN SA 418/2014 of DEBT RECOVERY
TRIBUNAL, ERNAKULAM**

**PETITIONER(S)/PETITIONER/APPLICANT IN S.A.NO.418/2014 BEFORE DRT,
ERNAKULAM:**

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HANS AUGUSTINE, AGED 44 YEARS
S/O T.J.AUGUSTINE, THAYYIL HOUSE, THIKKOYI P.O.
THIKKOYI VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.P.V.VARGHESE (KANJIRAMATTOM)
SRI.E.M.MURUGAN**

**RESPONDENT(S)/RESPONDENTS/DEFENDANTS IN S.A.NO.418/2014 BEFORE DRT,
ERNAKULAM.:**

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- 1. AUTHORISED OFFICER
FEDERAL BANK LTD., STRESSED ASSET MANAGEMENT CELL
THEKKUMKAL BUILDING, T.B.ROAD, KOTTAYAM-686001.**
 - 2. THE FEDERAL BANK LTD.,
THIKKOYI BRANCH, REP. BY ITS CHIEF MANAGER-686580.**
 - 3. VENUS AUGUSTINE, AGED 36 YEARS
S/O T.J.AUGUSTINE, THAYYIL HOUSE, THIKKOYI P.O.
THIKKOYI VILLAGE, MEENACHIL TALUK
KOTTAYAM DISTRICT-686580.**
 - 4. THEYYAMMA AUGUSTINE, AGED 68 YEARS
W/O AUGUSTINE, THAYYIL HOUSE, THIKKOYI P.O.
THIKKOYI VILLAGE, MEENACHIL TALUK
KOTTAYAM DISTRICT-686580.**

**R1 BY ADV.SRI.A.ANTONY
R1 BY ADV.SMT.LEELAMMA ANTONY**

**THIS OP (DEBT RECOVERY TRIBUNAL) HAVING BEEN FINALLY HEARD
ON 27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP (DRT).No. 112 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE PHOTOSTAT COPY OF THE WILL DEED NO.18/2004 OF SRO,
POONJAR.**

**EXHIBIT P2: TRUE PHOTOSTAT COPY OF THE PLAINT IN OS NO.48/2014 BEFORE
SUBORDINATE JUDGE'S COURT ATPALA.**

**EXHIBIT P3: TRUE PHOTOSTAT COPY OF THE POSSESSION NOTICE DATED
18.3.2013.**

EXHIBIT P4: TRUE PHOTOSTAT COPY OF THE NOTICE DATED 3.11.2014.

**EXHIBIT P5: TRUE PHOTOSTAT COPY OF THE PUBLIC SALE NOTICE DATED
21.11.2014.**

**EXHIBIT P6: TRUE PHOTOSTAT COPY OF THE PROCEEDINGS MADE BY DRT,
ERNAKULAM.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

O.P.(DRT).NO.112 OF 2014 (O)

Dated this the 27th day of January, 2015

J U D G M E N T

The petitioner impugns Ext.P6 order passed by the Debt Recovery Tribunal, Ernakulam, in S.A.No.418/2014 pending before the said Tribunal. On a perusal of Ext.P6 order, it is seen that the Tribunal had rejected the prayer of the petitioner for a stay of the sale proceedings that were scheduled to be held on 19.12.2014, and it was aggrieved by the said order that the original petition was filed before this Court. It is now brought to my notice by counsel for the respondent Bank that the sale proceedings dated 19.12.2014 did not go on as scheduled, and the sale has now been adjourned to a later date. It is also brought to my notice that, while this Court had granted an interim order staying further proceedings pursuant to Ext.P5 notice of sale on condition that the petitioner shall deposit a sum of Rs.10,00,000/- with the 2nd respondent within a week from 26.12.2014, the date of the interim order, the petitioner did not comply with the said condition. In that view of the matter, I find that the original petition, in as much as it seeks relief against proceedings

that were proposed to be held on 19.12.2014, which did not materialise on that date, and further that the petitioner did not comply with the conditions for grant of stay against those proceedings, the present petition need not be kept pending before this Court. Accordingly, the Original petition is dismissed as infructuous.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp