

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

RP.No. 164 of 2015 (L)

(AGAINST THE JUDGMENT IN WP(C).NO.8719/2014 DATED 31-07-2014)

REVIEW PETITIONER/PETITIONER:

**SHAJAHAN ABDUL AZEEZ,
SHANAVAS MANZIL, KADAKKAD, PANDALAM P.O.,
KURAMPALA VILLAGE, PATHANAMTHITTA DISTRICT,
PIN - 689 501.**

BY ADV. SRI.K.M.VARGHESE

RESPONDENT(S)/RESPONDENTS:

- 1. AUTHORIZED OFFICER,
DEWAN HOUSING FINANCE CORPORATION LTD.,
4TH FLOOR, BHIWAPRKAR CHAMBERS,
OPP. YEWANT STADIUM DHANTOLI, NAGPUR, PIN - 440 012.**
- 2. DEWAN HOUSING FINANCE CORPORATION LTD.,
TRIVANDRUM BRANCH, GROUND FLOOR, PARAMESWARA TOWERS,
NEAR GEETHANJALI HOSPITAL, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695 014,
REPRESENTED BY MANAGER.**

BY SRI.P.PAULCHAN ANTONY

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

R.P.NO.164/2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX 1** **COPY OF THE REPRESENTATION DATED 24/1/2015 SUBMITTED BY THE PETITIONER'S WIFE BEFORE THE 2ND RESPONDENT.**
- ANNEX II** **COPY OF THE INTERIM ORDER DATED 27/1/2015 IN WP(C).NO.2675 OF 2015.**
- ANNEX III** **CPY OF THE ORDER DATED 4/2/2015 IN WP(C).NO.2675/2015 OF THIS HON'BLE COURT.**

RESPONDENT'S ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K.VINOD CHANDRAN, J.

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**Review Petition No.164 of 2015 in
W.P(C) No.8719 of 2014**

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Dated this the 25th day of February, 2015

ORDER

The petitioner is before this Court seeking review of a judgment passed on 31.07.2014. The petitioner had approached this Court raising a contention that the objection to the notice issued under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short, 'the Act') was not considered. The learned counsel for the respondent Bank submitted before this Court, on instructions, that, objections were overruled in a subsequent communication. This Court also noticed the fact that such disputes could only be urged before the Debt Recovery Tribunal under Section 17 of the Act. Leaving open such remedy, the petitioner was granted an instalment also.

2. It was specifically noticed in the judgment that the instalment would be applicable only if the petitioner is desirous of settling the amounts. The learned counsel

appearing for the respondent Bank submits that the petitioner has not approached the respondent bank. The learned counsel would contend that the petitioner asserts in his affidavit that the respondent Bank was approached. However, the fact remains that no amounts are paid till now as directed by this court nor has the petitioner approached the Debt Recovery Tribunal under Section 17.

3. The petitioner now seeks for a review on the ground that his wife had approached this Court by W.P.(C) No.2675 of 2015 and an interim stay has been granted in the same evidenced by Annexure II and Annexure III and in which another learned Single Judge had directed the wife to take steps to file a review. That is not a ground for review of the judgment passed by this Court in a writ petition filed by the husband.

4. There is nothing brought on record to commend a review. The instalment granted in the judgment was optional and there was also liberty granted to approach the

appropriate forum provided under the statute. The refusal to invoke Article 226 to examine the objections of the petitioner under the Act was in effect a refusal to exercise discretion. This Court does not find any valid reason to review the judgment of this Court as has been indicated in **State of West Bengal V Kamal Sengupta (2008(8) SCC 612)**.

Review Petition dismissed.

vdv

Sd/-
K.VINOD CHANDRAN, JUDGE