

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

RP.No. 1146 of 2015 ()

WA 504/2012 of THIS HONOURABLE COURT

REVIEW PETITIONER/APPELLANT :

**M.J.GEORGE, S/O.LATE JOSEPH,
MANIYANICAL HOUSE, KANJIKUZH,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV**

RESPONDENTS/RESPONDENTS :

- 1. C.M.BOSE,
CHEMPAKATHINAL HOUSE, KIZHATHADIYOOR P.O.,
KOTTAYAM DISTRICT, PIN-686574.**
- 2. THE RECOVERY OFFICER,
IN DRC NO.638/FB, (SMT.SHOBA GEORGE),
DEBT RECOVERY TRIBUNAL, ERNAKULAM, PIN-682036.**
- 3. VIJAYAKUMARAN PILLAI,
RECOVERY OFFICER, D.R.T. ERNAKULAM, PIN-682036.**
- 4. THE FEDERAL BANK LTD.
REPRESENTED BY ITS MANAGER, ASSET RECOVERY BRANCH,
FEDERAL TOWERS, MARINE DRIVE, ERNAKULAM, PIN-682031.**

**BY SRI.SHAJI THOMAS
R4 BY ADVS. SRI.V.J.JOSEPH
SMT.M.V.LIGI**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

R.P.No.1146 of 2015
in W.A.No.504 of 2012

Dated this the 18th day of December 2015

O R D E R

Shaffique, J

This review petition has been filed seeking to review the order dated 06/11/2015 in the writ appeal by which we have recalled an earlier order passed by us on 03/11/2015.

2. By virtue of the order dated 03/11/2015, we permitted the review petitioner to receive back the fixed deposit which was deposited in the name of the Registrar of this Court. In fact, at the time of disposal of the writ appeal, no orders were passed with regard to the said deposit of Rs.23,00,000/- which was deposited by the review petitioner. In the meantime, the Registrar received a letter dated 13/10/2015 from the Recovery Officer by which the Registrar was requested to hold the said amount of Rs.23,00,000/- until further orders.

3. According to the review petitioner, the amount of Rs.23,00,000/- ought to have been given to him and the same has

to be deposited before the Tribunal as the Supreme Court had permitted him to deposit Rs.40,00,000/- for setting aside the sale and the aforesaid amount ought to be adjusted towards the said amount of Rs.40,00,000/- and only the balance amount need to be paid by the review petitioner. It is also contended that the Recovery Officer had no jurisdiction to pass any such orders.

4. The contention urged on behalf of the review petitioner is objected by the learned counsel appearing for the bank and it is contended that the bank is entitled to take all necessary steps to attach the property of the review petitioner which is also permitted by the Supreme Court.

5. Be that as it may, we do not want to enter into any controversy regarding the issues raised by the parties. Since there is a letter issued by the Recovery Officer calling upon the Registrar not to disburse an amount of Rs.23,00,000/- with interest to the review petitioner, to meet the ends of justice, we are of the view that the amount can be directed to be deposited before the Recovery Officer and it shall be open for the parties to agitate their respective contentions before the Tribunal for adjustment of the said amount in the manner required.

Accordingly, without going into the merits of the respective contentions, the Registrar of the High Court is directed to remit the entire amount of Rs.23,00,000/- (Rupees twenty three lakhs only) with interest accrued, to the Recovery Officer of the Debt Recovery Tribunal, Ernakulam on or before 23/12/2015.

This review petition is disposed of as above.

Sd/-
(ASHOK BHUSHAN, CHIEF JUSTICE)

Sd/-
(A.M.SHAFFIQUE, JUDGE)

jsr18/12/2015