

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WA.No. 1904 of 2015 () IN WP(C).18482/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 18482/2015 of HIGH COURT OF
KERALA DATED 06-07-2015

APPELLANT(S)/RESPONDENTS:

1. THE AUTHORISED OFFICER
CHIEF MANAGER, STRESS ASSETS RESOLUTION, CENTRE
STATE BANK OF TRAVANCORE, REGIONAL OFFICE
ARPAN TOWERS, KADAPPAKKADA, KOLLAM 691 008.

2. STATE BANK OF TRAVANCORE
HAVING REGISTERED OFFICE ATPOOJAPURA P.O.
THIRUVANANTHAPURAM 695 012AND BRANCH OFFICE AT
CHATHANNOOR AT KOLLAM DISTRICT
KERALA STATE, REPRESENTED BY ITS BRANCH MANAGER

BY ADV. SRI.R.S.KALKURA

RESPONDENT(S)/PETITIONERS:

1. SURESH BABU,
S/O.SREEDHARAN, DEVAMATHA HOUSE, NEDUNOLUM P.O.
KOLLAM DISTRICT-691 334.

2. LEELA SURESH
W/O.SURESH BABU, DEVAMATHA HOUSE, NEDUNGOLAM P.O.
KOLLAM DISTRICT-691 334.

BY SRI.MILLU DANDAPANI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
01-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.A.No. 1904 of 2015

Dated this the 1st September, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the appellants.

2. This Writ Appeal has been filed against the judgment dated 6.7.2015 in W.P(C).No.18482 of 2015 filed by respondents 1 and 2 in this appeal. The learned Single Judge by its judgment disposed of the Writ Petition with the following directions:

“4. The petitioners have already approached the Debt Recovery Tribunal and the matter is pending before the Debt Recovery Tribunal as S.A.No.522/2013.

In that view of the matter, I am of the view, any further directions in the matter in the light of the disputes as above, can only be resolved through the proceedings of the debt Recovery tribunal. Accordingly, this writ petition is disposed of. The interim order in relation to the residential building will continue for a further period of two months. The Bank is free to proceed in respect of other secured asset in accordance with law.”

3. The application submitted by the writ petitioner being S.A.No.522/2013 being pending before the Debt Recovery Tribunal, the learned Single Judge has observed that the parties may obtain further directions from the Tribunal and the interim order granted in the Writ Petition relating to the residential building will continue for two months, which period is expiring on 5.9.2015.

4. In the above view of the matter, we are of the view that no useful purpose shall be served in entertaining the appeal and interfering with the matter. The order passed by the learned Single Judge has almost lived its life. The interim order, which was passed being expiring by 5.9.2015, we do not find it necessary to interfere with the same. As observed by the learned Single Judge, the parties may approach the Debt Recovery Tribunal for further orders, if any.

The Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**

vgs1/9/15