

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 157 of 2015 (T)

PETITIONER :

**MOIDEEN KUNHI,
PUTHUKKUDI HOUSE,
KUNNAMANGALAM, CALICUT
PIN 673571.**

**BY ADVS.SRI.K.RAKESH ROSHAN
SMT.THUSHARA T.**

RESPONDENT(S) :

**1. THE MANAGER
VIJAYA BANK
EAST NADAKAV BRANCH P.O.
1019. P M C COMPLEX
WYNAD ROAD, CALICUT, PIN 673001.**

**2. AUTHORISED OFFICER
VIJAYA BANK, REGIONAL OFFICE, COURT VIEW
ARCADE, OPP.DISTRICT COURT, COURT ROAD
CALICUT, PIN - 673001.**

R1 & R2 BY SMT.LATHA KRISHNAN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 157 of 2015 (T)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT-P1: TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT
UNDER SECTION 13(2) OF THE SECURITIZATION ACT DATED 22.9.2014.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.157 OF 2015 (T)

Dated this the 6th day of January, 2015

J U D G M E N T

The relief sought for by the petitioner in the writ petition is for a direction to the Debt Recovery Tribunal to condone the delay occasioned by the petitioner in filing an application before the said Tribunal. The contention in the writ petition is that, under the Statute in question, the Tribunal does not have a power to condone the delay, and, hence, only this Court can condone the delay in the present proceedings under Article 226 of the Constitution of India.

2. I have heard Sri.Rakesh Roshan, the learned counsel appearing on behalf of the petitioner as also Smt.Latha Krishnan, the learned Standing counsel appearing on behalf of the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I am of the view that the petitioner cannot get the relief sought for in proceedings under Article 226 of the Constitution inasmuch as the statutory period of limitation

prescribed in the Act cannot be ignored by this Court, in proceedings under Article 226 of the Constitution of India. Resultantly, the writ petition fails, and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp