

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).NO. 974 OF 2015 (V)

PETITIONER(S):

1. MRS. P.M. MUMTAZ, AGED 65 YEARS
W/O.GAFFUR, XI-1329 MULLAPARAMBIL, ODATHAVELI
FORTKOCHI.

2. MR.MANOJ ALUMMOTIL ABDUL, AGED 40 YEARS
S/O.GAFFUR, XI-1329 MULLAPARAMBIL, ODATHAVELI
FORTKOCHI.

BY ADV. SRI.S.SACHITHANANDA PAI

RESPONDENT(S):

1. THE AUTHORISED OFFICER
ALLAHABAD BANK, SABU & CYPRIAN BUILDING
R.MADHAVAN NAIR BUILDINGS, OPP.DOLPHIN CLUB
ERNAKULAM-682016.

2. ALLAHABAD BANK
KOCHI BRANCH, REPRESENTED BY ITS MANAGER
PALACE ROAD, KOCHI-682002.

R1 BY ADV. SMT.E.V.MOLY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.974 OF 2015

Dated this the 30th day of January, 2015

J U D G M E N T

The writ petition is filed challenging the steps taken by the respondent bank to recover loan amounts that are outstanding from the petitioners. When the case was called up today, it is pointed out by the learned counsel appearing for the respondents that, although there was an interim direction not to confirm the sale, stated to have been conducted by the respondents, till today, the sale had already been confirmed by the respondents on 29.12.2014, well before the date of the interim order passed by this Court. Taking note of the said submission, I feel that the remedy of the petitioner would be to impugn the sale in appropriate proceedings under the SARFAESI Act. Thus, leaving it open to the petitioner to pursue his remedies against the confirmed sale, in terms of the SARFAESI Act, the present writ petition is dismissed as infructuous.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

