

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 3097 of 2015 (J)

PETITIONER(S):

- 1. SURESH K, AGED 52,
S/O.KARUNAKARAN NAIR,
KALLARACKALTHAZHE HOUSE,
KADAPPATTOOR.P.O., KOTTAYAM.**
- 2. SETHULAKSHMY SURESH, AGED 45,
W/O.SURESH K, S/O.KARUNAKARAN NAIR,
KALLARACKALTHAZHE HOUSE,
KADAPPATTOOR.P.O., KOTTAYAM.**

**BY ADVS.SRIP.S.SUJETH
SMT.M.R.REENA
SRI.NIXON PAUL**

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER,
FEDERAL BANK LTD., BEEMANADI BRANCH,
KASARGODE DISTRICT - 671 121.**
- 2. THE CHIEF MANAGER,
FEDERAL BANK LTD., BEEMANADI BRANCH,
KASARGODE DISTRICT - 671 121.**
- 3. THE ASSISTANT GENERAL MANAGER,
THE FEDERAL BANK LTD., KOZHIKODE REGION,
FEDERAL TOWERS, MAVOOR ROAD, KOZHIKODE-673 016.**
- 4. THE MANAGING DIRECTOR,
THE FEDERAL BANK LTD., HEAD OFFICE, ALUVA-683 101.**

**BY SRI.MOHAN JACOB GEORGE, SC
ADVS. SMT.P.VPARVATHI
SMT.REENA THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 3097 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- THE TRUE PHOTOCOPY OF THE SETTLEMENT PROPOSAL BEFORE THE
3RD RESPONDENT.
- P2- THE TRUE PHOTOCOPY OF THE SA.169/2013 BEFORE THE DEBTS RECOVERY
TRIBUNAL, ERNAKULAM.
- P3- THE TRUE PHOTOCOPY OF THE PETITION BEFORE KERALA LEGAL
AUTHORITY, ERNAKULAM.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.3097 of 2015

Dated this the 3rd day of June, 2015

JUDGMENT

The petitioner challenges SARFAESI proceedings. The matter was referred to Mediation. A report is on board stating that parties could not arrive at a mutual settlement. The petitioner submits that he is prepared to settle the liability by availing One Time Settlement Scheme and requested further posting before Adalath or Mediation.

2. The learned counsel for the Bank opposes the prayer and submits that the petitioner has already approached the Debts Recovery Tribunal by Ext.P2 appeal.

In that view of the matter, with liberty to the petitioner to pursue Ext.P2 appeal, this writ petition is disposed of. However, if the petitioner really wants to settle the liability, he is at liberty to approach the Bank with any request. If such a request is made, the Bank shall consider the same in accordance with law. To enable the petitioner to work out any remedy, no coercive steps shall be taken against the petitioner for a period of one month.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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