

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

WP(C).No. 3392 of 2015 (Y)

PETITIONERS :

- 1. ANILKUMAR K.S., AGED 44 YEARS
S/O.KRISHNAN KUTTY, R.K.K.SADANAM, MANALUVILA
VENPAKAL P.O., NEYYATTINKARA, THIRUVANANTHAPURAM.**
- 2. BINDU P.S.,
STAFF NURSE, STAFF QUARTERS, PRIMARY HEALTH CENTRE
PERUNKADAVILA P.O., NEYYATTINKARA
THIRUVANANTHAPURAM – 695 124.**

**BY ADVS.SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP
SMT. P.S.ANJU**

RESPONDENT :

**AUTHORISED OFFICER,
HDFC LTD., HDFC HOUSE, VAZHUTHACADU
THIRUVANANTHAPURAM - 10.**

**BY SENIOR ADVOCATE SRI.K.K.CHANDRAN PILLAI
BY ADV. SMT.S.AMBILY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 3392 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. TRUE COPY OF M.C.NO.232/2013 DATED 02.04.2013 BEFORE CJM, THIRUVANANTHAPURAM.**
- EXHIBIT P2. COPY OF ORDER DATED 2.4.2013 IN MC NO. 232/2013 BY CJM, THIRUVANANTHAPURAM.**
- EXHIBIT P3. COPY OF JUDGMENT DATED 3.7.2013 IN WP(C) NO. 16674/2013.**
- EXHIBIT P4. COPY OF NOTICE DATED 31.12.2013 MAKING A FURTHER DEMAND OF RS. 1,20,964/- BY RESPONDENT.**
- EXHIBIT P5. COPY OF STATEMENT OF ACCOUNT FROM 6.12.2004 TO 31.5.2014.**
- EXHIBIT P6. COPY OF NOTICE DATED 12.5.2014 BY ADVOCATE COMMISSIONER FOR TAKING PHYSICAL POSSESSION OF SECURED ASSET ON 2.6.2014.**
- EXHIBIT P7. COPY OF JUDGMENT DATED 29.5.2014 IN WP(C) NO. 13583/2014 BY THIS HON'BLE COURT.**
- EXHIBIT P8. COPY OF ORDER DATED 11.12.2014 IN CMP NO. 3762/2014 IN MC NO. 232/2013 BY CJM, THIRUVANANTHAPURAM.**
- EXHIBIT P9. COPY OF STATEMENT OF ACCOUNT AS ON 31.5.2014 GIVEN BY RESPONDENT DT. 11/6/14.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.3392 of 2015

.....
Dated this the 3rd day of February, 2015

J U D G M E N T

Counsel for the petitioners seek permission to withdraw the writ petition for the purposes of approaching the Debt Recovery Tribunal for appropriate reliefs against the proceedings initiated by the respondents for taking possession of the secured assets. The only apprehension of the petitioners is that by the time he approaches the Debt Recovery Tribunal for the said purpose, the possession of the secured assets may be taken by the respondents thereby rendering his endeavour infructuous. To safeguard the interest of the petitioners, while dismissing this writ petition as withdrawn, I stay further proceedings pursuant to Ext.P8 order of the Chief Judicial Magistrate, Thiruvananthapuram, for a period of two weeks from today, to enable the petitioners to approach the Debt Recovery Tribunal in the meanwhile. It is made clear that, on the expiry of the two weeks aforementioned, the stay granted in this judgment shall automatically expire.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns/

