

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 5643 of 2015 (E)

PETITIONER :

- 1. M.H.AHAMMEDKUNJU, AGED 67 YEARS,
S/O.HYDROSE, MANAGING PARTNER, M/S.GOLDEN STAR VENEERS,
MUDICAL P.O. PERUMBAVOOR.**
- 2. M.A.ABDUL NIZAR, AGED 37 YEARS,
S/O.M.H.AHAMMEDKUNJU, MOOKKADA HOUSE, MUDICKAL P.O.,
PERUMBAVOOR.**

**BY ADVS.SRIP.S.SUJETH
SRI.NIXON PAUL**

RESPONDENTS :

- 1. THE AUTHORISED OFFICER,
FEDERAL BANK LTD., FEDERAL CHAMBERS, PERUMBAVOOR,
ERNAKULAM DISTRICT.**
- 2. THE BRANCH MANAGER
FEDERAL BANK LTD., PERUMBAVOOR BRANCH,
ERNAKULAM DISTRICT.**
- 3. THE ASSISTANT GENERAL MANAGER,
THE FEDERAL BANK LTD., ERNAKULAM REGION,
FEDERAL TOWERS, MARINE DRIVE, ERNAKULAM.**
- 4. THE MANAGING DIRECTOR
THE FEDERAL BANK LTD., HEAD OFFICE, ALUVA-683101.**

**R1 BY ADV. SRI.A.ANTONY
BY ADV. SMT.LEELAMMA ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: THE TRUE PHOTOCOPY OF THE SETTLEMENT PROPOSAL BEFORE THE 3RD RESPONDENT.

EXHIBIT-P2: THE TRUE PHOTOCOPY OF THE SA 400/2014 BEFORE THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

EXHIBIT-P3: THE TRUE PHOTOCOPY OF THE STAY PETITION AS IA 2556/2014 IN SA 400/14 BEFORE THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

EXHIBIT-P4: THE TRUE PHOTOCOPY OF THE PETITION BEFORE KERALA LEGAL AUTHORITY, ERNAKULAM.

EXHIBIT-P5: THE TRUE COPY OF THE NOTICE OF ADVOCATE COMMISSIONER IN CRL.MP 907/2015 OF CJM, ERNAKULAM.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.5643 of 2015

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioners availed three loans from the respondent Bank. The petitioners have approached this Court challenging 'SARFAESI' proceedings.

2. The petitioners only prayer before this Court is that, the Bank may be directed to consider the application for giving concession in the amount demanded, so as to settle the liability. It is pointed out that, proceedings are going on before the Kerala Legal Service Authority, Ernakulam. It is also submitted that, they also moved the DGM, Zonal Office of the Bank for settlement of the liability. It is admitted that, the petitioner also has moved an S.A before the Debts Recovery Tribunal and the same is pending.

3. Essentially, this writ petition is filed to consider the petitioners' request for settlement proposal. As the matter stands now, the settlement proposal is pending before the Legal Services Authority and also before the DGM.

In that view of the matter, this writ petition is disposed of with the following directions :

If any request is made before the DGM, Zonal Office of the respondent Bank, the same shall be considered within a period of one month, after hearing the

petitioners. In order to work out reliefs before the Legal Services Authority or otherwise, coercive steps against the petitioners shall be deferred for a period of two months from today.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV