

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 9743 of 2010 (P)

PETITIONER:

**THE IDUKKI DISTRICT CO-OPERATIVE BANK,
REPRESENTED BY ITS GENERAL MANAGER,
IDUKKI COLONY P.O., IDUKKI.**

**BY ADVS.SRI.P.C.SASIDHARAN
SRI.JOICE GEORGE, SC
SRI.LIJI J.VADAKKEDOM, SC**

RESPONDENT(S):

- 1. THE CONSUMER DISPUTES REDRESSAL FORUM,
IDUKKI.**
- 2. K.R.PRAKASH, KAVUMPRAYIL HOUSE,
ELLACKAL P.O., EAST CHEMKULAM,
IDUKKI DISTRICT.**
- 3. VIJAYAMMA PRAKASH,
KAVUMPRAYIL HOUSE, ELLACKAL P.O.,
EAST CHEMKULAM, IDUKKI DISTRICT.**

**R1 BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN
R2 & R3 BY ADV. SRI.T.J.LAKSHMANAN IYER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE LOAN SANCTIONING ORDER DATED 13.8.2001.
- EXT. P2 : TRUE COPY OF THE AWARD.
- EXT. P3 : TRUE COPY OF THE DEMAND NOTICE DATED 12.10.2009.
- EXT. P4 : TRUE COPY OF THE COMPLAINT.
- EXT. P5 : TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT
DATED 3.2.2010.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.9743 of 2010

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Dated this the 14th day of October, 2015

J U D G M E N T

The issue involved in the writ petition is whether in matters provided for under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', the Consumer Dispute Redressal Forum would have any jurisdiction to pass orders. I find that, the said issue is squarely covered in favour of the petitioner by the decision of this court in **Punjab National Bank v. Consumer Disputes Redressal Forum [2011 (3) KLT 616]** where it was held that under Section 14 of Consumer Protection Act, the Consumer Disputes Redressal Forum has no power to injunct or restrain a bank from enforcing their rights under a loan agreement executed by a borrower with them for which the specific purpose the SARFAESI Act was enacted. Thus following the said judgment of this Court, the writ petition is allowed by quashing Ext.P5 and holding that, the 1st respondent has no jurisdiction to entertain the complaint preferred by respondents 2 and 3 in respect of the proceedings under the SARFAESI Act.

A.K.JAYASANKARAN NAMBIAR
JUDGE

