

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937**

**WP(C).No. 12565 of 2015 (U)**  
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**PETITIONER(S):**  
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**P.SENDHIL, AGED 47 YEARS,  
S/O.MR.C.THANGARAJAN  
(PROPRIETOR OF M/S.ARHASHRE PRINTERS)  
AMBA AMBIKA APARTMENT,  
MANALMANTHA, PALAKKAD - 678 011.**

**BY ADV. SRI.H.BADARUDDIN**

**RESPONDENT(S):**  
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- 1. M/S.DENA BANK,  
PALAKKAD BRANCH, IST FLOOR, SOORYA CITY,  
KANDATH COMPLEX, SUDEVAN ROAD,  
SULTANPET, PALAKKAD - 678 001.**
- 2. THE AUTHORISED OFFICER,  
DENA BANK, ZONAL OFFICE, BKR CONVENTION CENTRE, 32,  
VENKATESAN STREET, T NAGAR, CHENNAI - 600 017.**

**BY ADVS. SRI.PHILIP T.VARGHESE  
SRI.THOMAS T.VARGHESE  
SMT.ACHU SUBHA ABRAHAM  
SMT.K.R.MONISHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PJ**

**WP(C).No. 12565 of 2015 (U)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXT.P-1:        THE TRUE COPY OF THE AGREEMENT DATED 28.5.2013**
- EXT.P-2:        A TRUE COPY OF THE ANNEXURE TO LETTER  
                 NO.CZO/LGL/SEC/PALAKKAD/ARHASHRI/2015 DATED 4.2.2015**
- EXT.P-3:        A TRUE COPY OF THAT NOTICE DATED 4.2.2015 THAT RECEIVED BY  
                 THE PETITIONER ON 4.2.2015**
- EXT.P-4:        TRUE COPY OF THE STATEMENT OF ACCOUNTS.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C).No.12565/2015**  
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Dated this the 24<sup>th</sup> Day of June, 2015

**J U D G M E N T**

The petitioner has approached this Court impugning SARFAESI proceedings. This Court while admitting the writ petition granted an interim order of stay on condition that the petitioner remits 1/3<sup>rd</sup> of the outstanding loan amount. That order was passed on 17/04/2015. It seems that the petitioner has not complied with the above order.

2. Therefore, if the petitioner has any grievance against the action initiated under the SARFAESI Act, he has to approach the Debts Recovery Tribunal challenging the same. To work out alternative remedy, all coercive steps shall be deferred for a period of six weeks.

The writ petition is disposed of as above. No costs.

**Sd/-**

**A.MUHAMED MUSTAQUE, JUDGE**

ms