IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 13904 of 2015 (K)

PETITIONER(S) :

NAHAS.K.M., AGED 48 YEARS,
S/O.K.K.MAMMOO, 2/260(17/122), KOMBANAMURI,
VAZHAKALA, ERNAKULAM DISTRICT.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENT(S) :

1. **AUTHORISED OFFICER,**
MAHINDRA & MAHINDRA FINANCIAL SERVICES LTD.,
1ST FLOOR, K.P.CHEEKUTTY'S MANSION, VYTILA,
SCB ROAD, ERNAKULAM - 682 019.

2. **THE BRANCH MANAGER,**
MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD.,
VAZHAKALA BRANCH, VAZHAKALA, ERNAKULAM DISTRICT.

BY ADV. SRI.DEVAPRASANTH.P.J.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

WP(C).No. 13904 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: THE TRUE PHOTOCOPY OF THE TAX LICENCE DATED 23.03.2012 OF THE MOTOR VEHICLES DEPARTMENT.

EXHIBIT P2: THE TRUE PHOTOCOPY OF THE RETAIL INVOICE OF THE VEHICLE ISSUED TO THE PETITIONER.

EXHIBIT P3: THE TRUE PHOTOCOPY OF THE RECEIPT DATED 23.12.2014.

EXHIBIT P4: THE TRUE PHOTOCOPY OF THE RECEIPT DATED 18.11.2014 OF THE RESPONDENT.

EXHIBIT P5: THE TRUE PHOTOCOPY OF THE STATEMENT OF THE RESPONDENT BANK.

EXHIBIT P6: THE TRUE PHOTOCOPY OF THE REPRESENTATION BEFORE THE BANK.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.13904 of 2015

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner has approached this Court apprehending that, respondent financial institution is initiating SARFAESI proceedings against him.

2. The learned counsel for the respondents submits that, the petitioner is not an institution covered by SARFAESI Act and therefore, they are not taking any measures under SARFAESI Act. It is further submitted that, they have already initiated arbitration proceedings.

In that view of the matter, this writ petition is disposed of as the same is not maintainable. It is made clear that, the petitioner is free to challenge any proceedings before any competent court in appropriate manner.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV