

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 14946 of 2015 (P)

PETITIONER :

**FRANCIS JOSE, AGED 60 YEARS, S/O.LAZER LAWRENCE,
PROP:M/S.CITY GARMENTS & TEXTILES, ROOM NO.9, II FLOOR,
COCHIN COMPLEX, MARKET ROAD, KOCHI-31.**

**BY ADVS.SRI.R.MOHANA BABU
SRI.M.AJITH (KARICODE)**

RESPONDENT(S):

- 1. CANARA BANK,
REPRESENTED BY BRANCH MANAGER,
MATTANCHERY BRANCH,
MATTANCHERY P.O, KOCHI-2.**
- 2. THE AUTHORISED OFFICER,
CANARA BANK, IIND FLOOR, SHENOY CHAMBERS,
SHANMUGHAM ROAD, KOCHI-31.**
- 3. THE DEPUTY GENERAL MANAGER,
CANARA BANK, REGIONAL OFFICE, T.D.ROAD,
NORTHEND, KOCHI-682 018.**

BY SRI.PAULY MATHEW MURICKEN,SC,CANARA BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 14946 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : TRUE COPY OF PROPOSAL FOR SETTLEMENT DATED 21-4-2015 SUBMITTED
BY PETITIONER FOR SETTLEMENT OF LOAN TO THE RESPONDENT.**

**P2: TRUE COPY OF THE ACKNOWLEDGEMENT CARD SIGNED BY THE 3RD
RESPONDENT DATED 23-4-2015 FOR RECEIVING EXHIBIT P1 PROPOSAL.**

**P3 : ORIGINAL COPY OF NOTICE ISSUED UNDER SECTION 13(4) DATED 17-4-2015
ALONG WITH E-AUCTION NOTICE.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14946 of 2015

Dated this the 3rd day of June, 2015

JUDGMENT

The petitioner has approached this Court impugning SARFAESI proceedings. This Court by interim order dated 26.5.2015 directed the petitioner to deposit Rs.20,00,000/- before the sale to defer the confirmation of the sale. It is admitted that the petitioner has not complied with the above direction.

2. It is submitted by the learned counsel for the Bank that the sale has already been conducted and the property has been sold for 32 lakhs.

In that view of the matter, with a liberty to the petitioner to approach the Debts Recovery Tribunal, challenging any of the steps under the SARFAESI Act, the writ petition is disposed of. The interim order is vacated.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln