

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 17845 of 2015 (E)

PETITIONER:

**MR.SHAREEF, AGED 59 YEARS,
S/O.MUHAMMAD RAJA, PARALIL HOUSE,
NEERKUNNAM, VANDANAM P.O, ALAPPUZHA - 5.**

**BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA**

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER,
THE FEDERAL BANK LTD,
REGIONAL OFFICE, CHURCH ROAD,
MULLACKAL, ALAPPUZHA - 688 112.**
- 2. THE MANAGER,
FEDERAL BANK LTD, AMBALAPUZHA - 688 119.**

**BY ADV. SRI.P.RADHAKRISHNAN (1), SC
BY ADV. SRI.MADHU RADHAKRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 17845 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1 : THE TRUE COPY OF THE POSSESSION NOTICE DATED 8.1.2015.

**EXHIBIT P2 : THE TRUE COPY OF THE NOTICE ISSUED BY THE
ADV.COMMISSIONER DATED 2.3.2015.**

EXHIBIT P3 : THE TRUE COPY OF THE INTERIM ORDER PASSED IN S.A 96/15.

**EXHIBIT P4 : THE TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT OF
RS. 3 LAKH IN COMPLAINE WITH EXHIBIT P3 DATED 19.3.2015.**

EXHIBIT P6 : THE TRUE COPY OF THE ORDER IN WPC 11609/2015.

**EXHIBIT P7 : THE TRUE COPY OF THE ORDER PASSED BY THE DRT DURING THE
PENDENCY OF EXT.P6.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17845 of 2015

Dated this the 15th day of July, 2015

JUDGMENT

The petitioner, impugning SARFAESI proceedings and also non-consideration of the One Time Settlement Scheme application, has approached this Court.

2. Learned counsel for the Bank submits that the One Time Settlement Scheme application has been considered and communicated to the petitioner within the time and the petitioner did not comply with the same.

3. The fact now remains that the substantial challenge regarding SARFAESI proceedings is pending before the Debts Recovery Tribunal in S.A.No.96/2015 and there was an interim direction to deposit Rs.10 lakhs.

3. The petitioner submits that One Time Settlement Scheme was never communicated to him and it was only handed over on 13.7.2015. The petitioner submits that in view of the above, he may be given time to deposit the amount ordered by the Debts Recovery Tribunal by 10.8.2015.

In view of the above, the petitioner is free to agitate the issue relating to One Time Settlement Scheme before the Debts Recovery Tribunal. I am of the view, the petitioner should be given time to deposit the amount ordered in Ext.P7 till 10.8.2015. All issues are left open.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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