

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

**PRESENT:**

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

**TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937**

**WP(C).No. 17931 of 2015 (N)**  
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**PETITIONER:**  
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**V.MOHANAN, CHINNAVILA VEEDU,  
PUNNAKULAM, KOTTUKAL P.O,  
NEYYATTINKARA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.ASP.KURUP  
SRI.SADCHITH.P.KURUP**

**RESPONDENT:**  
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**THE AUTHORISED OFFICER & CHIEF MANAGER,  
STATE BANK OF TRAVANCORE,  
BALARAMAPURAM BRANCH,  
THIRUVANANTHAPURAM DISTRICT - 695 501.**

**BY ADV. SRI.JAWAHAR JOSE, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**mbr/**

**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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- EXHIBIT P1. TRUE COPY OF JUDGMENT DATED 30.5.14 PASSED IN WPC 13612/2014.
- EXHIBIT P2. TRUE COPY OF STATEMENT OF ACCOUNT SHOWING PAYMENT OF RS.30,000/-.
- EXHIBIT P3. TRUE COPY OF STATEMENT OF ACCOUNT SHOWING PAYMENT OF RS.1,60,000/-.
- EXHIBIT P4. TRUE COPY OF SALE NOTICE DATED 14.5.15 ISSUED BY RESPONDENT.
- EXHIBIT P5. TRUE COPY OF COMMUNICATION DATED 8.5.15 ISSUED BY RESPONDENT.

**RESPONDENT(S)' EXHIBITS:**  
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- EXT. R1(A) : TRUE COPY OF THE STATEMENT OF ACCOUNTS IN RESPECT OF THE PETITIONERS LOAN ACCOUNT.
- EXT.R1(B) : TRUE COPY OF THE AMORTIZATION TABLE PREPARED BY THE BANK.
- EXT.R1(C) : TRUE COPY OF THE JUDGMENT IN WP(C)NO.28569/2013.
- EXT.R1(D) : TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.13612/2014.
- EXT.R1(E) : TRUE COPY OF THE JUDGMENT IN WP(C)NO.20476/2014.

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**A.MUHAMED MUSTAQUE, J.**

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W.P.(C).No.17931 of 2015  
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Dated this the 21<sup>st</sup> day of July, 2015

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

The petitioner has approached this Court when sale was scheduled pursuant to 'SARFAESI' proceedings initiated by the respondent Bank.

2. The petitioner has serious disputes regarding the quantification of amount for clearing the loan account as well as clearing the overdue amount. According to the petitioner, he has cleared the entire overdue amount. According to the Bank, more than ₹3,52,000/- is due from the petitioner.

3. It is admitted that, the possession has been taken by the Bank and the sale proposed has not been materialised. It is also admitted that, the petitioner has approached the Debts Recovery Tribunal by S.A.No.291/2014. In that view of the matter, this Court cannot be justified in probing into the disputed question of liability. The petitioner can approach the DRT for appropriate reliefs.

4. Considering the facts and circumstances, this writ petition is disposed of with the following directions.

1. The petitioner shall move the Debts Recovery Tribunal seeking an interim order against any further steps for sale, within a period of two weeks from today.
2. Thereafter, the DRT shall consider the above application, after adverting to the petitioners liability, within a further period of four weeks.

3. If it is possible, the DRT shall also make every endeavour to dispose of the S.A itself within an outer limit of three months.
4. In view of the above, coercive steps against the petitioner shall be deferred for a period of two weeks.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE.**

AV