

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 22372 of 2015 (V)

PETITIONER :

**P.P. JOHNSON
PROPRIETOR, M/S. ATHULYA FURNITURE & WOOD INDUSTRIES
MADAKKIMALA P.O., WAYANAD DISTRICT.**

BY ADV. SRI.M.C.JOHN

RESPONDENT(S) :

- 1. CANARA BANK,
BRANCH KALPETTA
WAYANAD, REPRESENTED BY MANAGER
KALPETTA, WAYANAD, PIN – 673 121.**
- 2. P.D. BINEESH
ADVOCATE COMMISSIONER
(CMP NO. 906/15)
CHIEF JUDICIAL MAGISTRATE'S COURT
KALPETTA, WAYANAD, PIN – 673 121.**
- 3. THE VILLAGE OFFICER
MUTTIL VILLAGE
KALPETTA, WAYANAD – 673 121.**

**R1 BY ADV. SRI.K.S.DILIP
R3 BY GOVT. PLEADER SMT. M.T. SHEEBA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE SCHEDULE-B AND C.

EXT.P2 COPY OF THE ORDER DATED 22.5.2015 IN SA NO. 264/15 OF THE DEBT RECOVERY TRIBUNAL.

EXT.P3 COPY OF THE STATEMENT DATED 8.6.2015 ISSUED BY THE 1ST RESPONDENT.

EXT.P4 COPY OF THE LETTER DATED 20.6.2015 FROM PETITIONER TO 1ST RESPONDENT.

EXT.P5 COPY OF THE NOTICE DATED 6.7.2015 IN CMP NO. 906/15 OF THE CHIEF JUDICIAL MAGISTRATE COURT, KALPETTA.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22372 of 2015

Dated this the 24th day of July, 2015

JUDGMENT

The petitioner, impugning threat of dispossession under SARFAESI proceedings, has approached this Court.

2. The petitioner has approached the Debts Recovery Tribunal in S.A.No.264/2014. Taking note of the payment of Rs.50 lakhs, the Debts Recovery Tribunal granted the petitioner to discharge the balance amount by way of instalments. It appears that the petitioner has not honoured any of the directions of the Debts Recovery Tribunal. Accordingly, the Bank have taken steps to dispossess the petitioner.

3. Heard the learned counsel for the petitioner and the learned counsel for the Bank.

4. Since the petitioner has been already granted benefits by the Debts Recovery Tribunal in the application, filed by him, it is not proper for this Court to vary the conditional order passed by the Debts Recovery Tribunal. It is open for the petitioner to move the Debts Recovery Tribunal, if any indulgence is required.

With the above observations, the writ petition is dismissed. However, to work out the relief before the Debts Recovery Tribunal, dispossession shall be deferred for a period of two weeks.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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