

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

**PRESENT:**

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

**WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937**

**WP(C).No. 23706 of 2015 (K)**  
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**PETITIONER(S) :**  
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1. **WILSON C.L.,  
CHAKKALAKKAL HOUSE,  
KUTTIKKATTIL LANE, CHETTUPUZHA  
THRISSUR - 680 621.**
2. **RAJI WILSON,  
W/O.WILSON C.L.,  
CHAKKALAKKAL HOUSE, KUTTIKKATTIL LANE  
CHETTUPUZHA, THRISSUR - 680 621.**

**BY ADVS.SRI.M.H.HANIL KUMAR  
SMT.M.R.JAYALATHA  
SRI.M.R.DHANIL**

**RESPONDENT(S) :**  
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1. **THE FEDERAL BANK  
REP. BY ITS CHIEF MANAGER,  
ZONAL OFFICE, STRESSED ASSET MANAGEMENT CELL  
FEDERAL TOWERS (1ST FLOOR) MARINE DRIVE  
ERNAKULAM - 682 031.**
2. **THE AUTHORIZED OFFICER,  
ZONAL OFFICE, STRESSED ASSET MANAGEMENT CELL  
FEDERAL TOWERS (1ST FLOOR) MARINE DRIVE  
ERNAKULAM - 682 031.**

**R1 & R2 BY ADVS. SRI.A.ANTONY  
SMT.LEELAMMA ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 23706 of 2015 (K)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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**EXHIBIT-P1: A TRUE COPY OF THE TITLE DEED DATED 30.4.2010.**

**EXHIBIT-P2: A TRUE COPY OF THE ORDER IN O.A.NO.550/2013 DATED 2.6.2015.**

**EXHIBIT-P3: A TRUE COPY OF THE SALE NOTICE ISSUED BY THE 1ST  
RESPONDENT DATED 2.7.2015.**

**EXHIBIT-P4: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE  
PETITIONERS DATED 3.8.2015.**

**RESPONDENT(S)' EXHIBITS : NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**A. MUHAMED MUSTAQUE, J**

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**W.P.(C).No. 23706 of 2015**  
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**Dated this the 19<sup>th</sup> day of August, 2015**

**JUDGMENT**

The petitioners approached this Court challenging SARFAESI proceedings. They availed a housing loan from the respondent-Bank.

2. The learned counsel for the Bank submitted that after availing a housing loan, the petitioners misutilised the fund and diverted the fund for some other purposes. It is also submitted that the property of the petitioners was sold in auction on 11.08.2015.

In that view of the matter, with a liberty to challenge the sale before the Debts Recovery Tribunal, the writ petition is disposed of.

Sd/-

**A. MUHAMED MUSTAQUE, JUDGE**

bpr