

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 24072 of 2015 (H)

PETITIONER(S):

- 1. SURESH BABU,
S/O.SREEDHARAN, DEVAMATHA HOUSE,
NENDUNGOLAM P.O., KOLLAM DISTRICT.**
- 2. LEELA SURESH,
W/O.SURESH BABU, DEVAMATHA HOUSE, NEDUNGOLAM P.O.,
KOLLAM DISTRICT.**

**BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI**

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER, CHIEF MANAGER,
STRESS ASSETS RESOLUTION CENTRE,
STATE BANK OF TRAVANCORE, REGIONAL OFFICE,
ARPAN TOWERS, KADAPPAKADA,
KOLLAM - 691 008.**
- 2. STATE BANK OF TRAVANCORE HAVING REGISTERED
OFFICE AT POOJAPURA P.O., THIRUVANANTHAPURAM - 695 012
AND BRANCH OFFICE AT CHATHANOR, KOLLAM DISTRICT,
KERALA STATE, REPRESENTED BY ITS BRANCH MANAGER.**

BY ADV. SRI.R.S.KALKURA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 24072 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- PHOTOCOPY OF NOTICE DATED 8/7/2013 ISSUED BY THE
2ND RESPONDENT TO THE PETITIONERS UNDER SECTION 13(4) OF THE
SARFEISI ACT.**

**EXHIBIT P2- PHOTOCOPY OF NOTICE DATED 26/05/2014 ISSUED BY THE ADVOCATE
COMMISSIONER, RECEIVED BY THE PETITIONERS ON 30/05/2014.**

**EXHIBIT P3- PHOTOCOPY OF THE ORDER DATED 16/06/2015 OF LEARNED CHIEF
JUDICIAL MAGISTRATE COURT, KOLLAM, IN C.M.P. NO.8994 OF 2015.**

**EXHIBIT P4- PHOTOCOPY OF JUDGMENT OF THIS HONOURABLE COURT,
DATED 6/7/2015, IN W.P.(C) NO.18482 OF 2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 24072 of 2015

Dated this the 10th day of August, 2015

J U D G M E N T

Petitioners challenging SARFAESI proceedings have approached the DRT by filing Securitization Application No.522/2013.

2. Petitioners raised dispute regarding liability with the Bank. Petitioners were dispossessed from the residential building during pendency of the the Securitization Application. Petitioners have earlier approached this Court in WP(C) No.18482/2015. By order dated 19.06.2015, this Court directed the petitioners to remit ₹10 lakhs. Petitioners remitted the above amount and petitioners were put back to the residential building. This Court ordered that the Bank is free to proceed against the property other than residential building and petitioners can approach the DRT seeking any other relief in the matter.

3. The present grievance of the petitioners is that the Bank is proceeding for possession of the vehicle belonging to the petitioners. The vehicle is under hypothication agreement. If the petitioners are deprived of the vehicle, petitioners will not be able to wipe off the liability.

4. This Court is of the view that, if the petitioners have any grievance against dispossession of the vehicle petitioners are free to agitate before the DRT in Securitization Application. With that liberty this writ petition is disposed of.

In view of the above, all the coercive steps against the petitioners shall be deferred for a period of one month on condition that the petitioner remits ₹10,00,000/- within three weeks from today.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn