

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 24819 of 2015 (B)

PETITIONERS :

- 1. HAMEED, AGED 52 YEARS,
S/O. MUHAMMED, PILAYICHOLA HOUSE, PARAVAKKAL,
PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 2. MARIYUMMA, AGED 48 YEARS,
W/O. HAMEED, PILAYICHOLA HOUSE, PARAVAKKAL,
PERINTHALMANNA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.PRATHAP PILLAI
SRI.SEBIN THOMAS
SMT.J.KASTHURI
SRI.VISHNU BHUVANENDRAN**

RESPONDENTS :

- 1. THE AUTHORISED OFFICER/REGIONAL MANAGER,
SOUTH MALABAR GRAMIN BANK
(NOW KNOWN AS KERALA GRAMIN BANK)
REGIONAL OFFICE, PERINTHALMANNA
MALAPPURAM DISTRICT-676505.**
- 2. THE BRANCH MANAGER
SOUTH MALABAR GRAMIN BANK
(KERALA GRAMIN BANK)
PUZHKKATTIRI BRANCH, MALAPPURAM DISTRICT-679321.**

R1 & R2 BY ADV. SRI.T.R.RAVI, SC,

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF APPLICATION VIZ, CRL.M.P.NO. 1467/2014
DATED 30-04-2014 FILED BY THE RESPONDENT BANK BEFORE THE
CHIEF JUDICIAL MAGISTRATE COURT, MANJERI.
- EXHIBIT P2:** TRUE COPY OF THE ORDER DATED 29-08-2014 OF THE CHIEF
JUDICIAL MAGISTRATE COURT, MANJERI IN CRL.M.P.NO. 1467/2014.
- EXHIBIT P3:** TRUE COPY OF JUDGMENT DATED 01-12-2014 IN WPC NO. 31218/2014
OF THIS HONOURABLE COURT.
- EXHIBIT P4:** TRUE COPY OF POSSESSION NOTICE DATED 17-10-2015 ISSUED BY
THE 1ST RESPONDENT UNDER SECTION 13(4) OF THE SARFAESI ACT.
- EXHIBIT P5:** TRUE COPY OF PHOTOGRAPHS OF THE TEMPORARY SHELTER OF
THE PETITIONER IN THE CAR PORCH AND OUTSIDE THE
RESIDENTIAL HOUSE OF THE PETITIONERS.
- EXHIBIT P6:** TRUE COPY OF THE SALE NOTICE DATED 21-07-2015 ALONG WITH
THE SALE ADVERTISEMENTS.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.24819 of 2015

Dated this the 20th day of August, 2015

J U D G M E N T

The petitioner, challenging SARFAESI proceedings has approached this Court. The only prayer made by the petitioner before this Court is that he may be given three months time to wipe off the entire liability.

2. In fact the petitioner has approached this court in W.P.(C) No.31218/2014. This Court granted certain instalment facility to the petitioner. The petitioner did not honour those conditions. Thereafter, the petitioner again approached this Court in W.P.(C) No.4998/2015 after dispossession. This was withdrawn. The petitioner, thereafter, approached the Debt Recovery Tribunal in S.A.No. 78/2015. It appears that the matter is pending before the Debt Recovery Tribunal.

3. The learned Counsel for the bank opposes the prayer of the petitioner and submits that any indulgence of

this Court would amount to unsettling of earlier directions of this Court. It is also submitted that the sale is scheduled on 24.8.2015.

In view of the above, with liberty to obtain relief from the Debt Recovery Tribunal, the writ petition is disposed of. However, if any sale takes place on 24.8.2014, the same shall not be confirmed without orders from the Debt Recovery Tribunal.

Sd/

**A. MUHAMED MUSTAQUE,
JUDGE**

jm/