

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 25910 of 2015 (K)

PETITIONER(S):

**T. SINDHU, AGED 35 YEARS,
W/O. N.SURESH BABU, PUTHENPARAMBIL HOUSE, MUTTOM P.O.,
HARIPADU, ALAPPUZHA.**

BY ADV. SRI.V.ANIL (K/1480/98)

RESPONDENT(S):

- 1. THE CHIEF MANAGER,
AUTHORIZED OFFICER, STRESSED ASSETS MANAGEMENT CELLS,
ZONAL OFFICE, THIRUVANANTHAPURAM.**
- 2. THE BRANCH MANAGER,
FEDERAL BANK LTD., BRANCH OFFICE, MUTTOM.**
- 3. N. SURESH BABU,
S/O. NARAYANAN NAIR, SURESH BHAVANAM, NADUVATTOM P.O.,
PALLIPPAD, ALAPPUZHA, WORKING AT CRPF,
C/O. COMMANDANT 63, BATTALION, CRPF,
C/O. 56 APO.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25910 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE ORDER OF THE ADVOCATE COMMISSIONER DTD.22.5.2015.

P2 : COPY OF THE NOTICE DTD.13.7.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.25910 of 2015
.....

Dated this the 4th day of November, 2015

J U D G M E N T

The petitioner who had availed of a loan from the respondent bank and defaulted in repayment of the same, is aggrieved by the steps taken by the respondent bank under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', for realisation of the loan amounts. In the writ petition, Ext.P2 sale notice dated 13.07.2015 is impugned on the ground that, if the petitioner is given ample time to effect repayment, then the petitioner will be able to discharge the liability due to the respondent bank.

When the matter was taken up for orders today, it was submitted by learned Standing counsel for the respondent bank that the sale pursuant to Ext.P2 notice did not take place for want of bidders and accordingly, Ext.P2 notice has been cancelled, and a fresh notice will have to be issued by the respondent bank for proceeding with the sale of the immovable property. It is submitted that as and when a fresh sale notice is issued the petitioner will also be informed of the same. Taking note of the

said submission of counsel for the respondent bank, and also finding that the present grievance of the petitioner as espoused in the writ petition has now been redressed with the cancelling of Ext.P2 sale notice, the writ petition is closed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/04.10.15

