

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 27646 of 2015 (E)

PETITIONER(S):

1. STATE BANK OF TRAVANCORE
STRESSED ASSETS RESOLUTION CENTRE, IIND FLOOR
CHANDRASEKHARAN NAIR STADIUM, PALAYAM
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM - 695 033
REPRESENTED BY ITS CHIEF MANAGER.
2. KESAVAN NAIR P.,
S/O. PADMANABHAN NAIR P., T.C 15/544/1, ARAPPURA
CSM NAGAR, HOUSE NO. 57/1, EDAPAZHANJI
THIRUVANANTHAPURAM.

BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

RESPONDENT(S):

1. THE REGIONAL TRANSPORT OFFICER
THIRUVANANTHAPURAM.
2. SASIKUMAR J.
S/O. JUSTUS Y, ANJALI, T.C 19/331 (2)
VPS 300 (B), OPP. MELAMCODU TEMPLE, AMBEDKAR ROAD
ARAMADA P.O., THIRUVANANTHAPURAM -695 010.

R BY GOVERNMENT PLEADER SMT.SANJEETHA.K.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-09-2015 ALONG WITH W.P.(C) NO.27650/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE NOTICE UNDER SECTION 13 (2) OF THE SARFAESI ACT DATED 23/11/2009 ISSUED BY THE PETITIONER BANK.

EXHIBIT-P2-TRUE COPY OF THE MAHAZAR PREPARED BY THE ADV. COMMISSIONER.

EXHIBIT-P3-TRUE COPY OF THE NOTICE OF SALE PUBLISHED IN MATHRUBHUMI DAILY DATED 28/05/2015 BY THE PETITIONER BANK.

EXHIBIT-P4-TRUE COPY OF THE CERTIFICATE OF SALE ISSUED IN FAVOUR OF THE 2ND RESPONDENT BY THE AUTHORISED OFFICER OF THE PETITIONER BANK.

EXHIBIT-P5(A)-TRUE COPY OF THE FORM 36 OF THE MOTOR VEHICLES RULES.

EXHIBIT-P5(B)-TRUE COPY OF THE FORM NO. 29 OF THE MOTOR VEHICLE RULES.

EXHIBIT-P5(C)-TRUE COPY OF THE FORM NO. 30 OF THE MOTOR VEHICLES RULES

EXHIBIT-P6-TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

EXHIBIT-P7-TRUE COPY OF THE RECEIPT PROVIDED BY THE INWARD SECTION OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) Nos.27646 & 27650 of 2015

Dated this the 18th day of September, 2015

J U D G M E N T

Ext.P4 sales certificate issued under Rule 7 (2) of the Security Interest (Enforcement) Rules, 2002 is prima facie evidence of title in favour of the second petitioner. Section 13(6) of the SARFAESI Act clarifies that the property vests in the transferee as if the transfer had been made by the owner of the secured asset. There can therefore be no inhibition in law in registering the vehicle sold under the SARFAESI Act in favour of the second petitioner. The first respondent is directed to do the needful pursuant to Ext.P6 application within a period of three weeks.

The writ Petitions are disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.